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VILLAGE OF RIDGEWOOD  
ZONING BOARD OF ADJUSTMENT  
TUESDAY, NOVEMBER 28, 2023  
COMMENCING AT 7:38 P.M.

.....  
IN THE MATTER OF : TRANSCRIPT  
APPLICATION: : OF  
OUTFRONT MEDIA, LLC : PROCEEDING  
500 Route 17 South :  
Block 4703, Lot 10 :  
in the OB-2 Zone :  
.....

B E F O R E:  
VILLAGE OF RIDGEWOOD ZONING BOARD OF ADJUSTMENT  
THERE BEING PRESENT:

- GREG BROWN, CHAIRMAN
- MATTHEW BANDELT, VICE CHAIRMAN
- GARY NEGRYCZ, CHAIRMAN PRO TEM
- JASON CURRERI, MEMBER
- DIANA RUHL, MEMBER
- JONATHAN PAPIETRO, MEMBER
- MICHAEL PICKHOLZ, MEMBER (ABSENT)
- HAROLD MAXWELL, ALTERNATE #1 MEMBER
- JAMIE FOX, ALTERNATE #2 MEMBER (ABSENT)

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A L S O P R E S E N T :

JANE WONDERGEM, LAND USE SECRETARY  
JOHN BARREE, P.P., VILLAGE PLANNER

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1                   CHAIRMAN BROWN: Moving onto the public  
2 hearings, under old business we have Outfront Media  
3 LLC. It's an application for preliminary and final  
4 major site plan approval for the construction and  
5 operation of a single pole double-faced, digital  
6 multmessage advertising sign which is a prohibited  
7 use and will result in a second principal use;  
8 expansion of an existing nonconforming use and bulk  
9 variance relief at 500 Route 17 South, Block 4703,  
10 Lot 10 in an OB-2 Zone. This is continued from  
11 September 12, 2023.

12                   Good evening.

13                   MR. D'ARMINIO: Good evening, Louis  
14 D'Arminio; Price, Meese, Schulman & D'Arminio on  
15 behalf of the applicant.

16                   MR. STANDRIFF: Douglas Standriff on  
17 behalf of AK Realty, LLC.

18                   CHAIRMAN BROWN: Thank you.

19                   MR. D'ARMINIO: As, Mr. Chairman, you  
20 indicated this is our application for a 40-foot  
21 digital sign.

22                   This is our eighth hearing. We  
23 commenced on, I guess, March of 2022.

24                   Our last meeting was September 12th,  
25 two months ago.

1           The last meeting I gave a summary of  
2 all the testimony, but I'm not going to do that  
3 again, so let's just jump right into it.

4           The last meeting where we were --  
5 excuse me -- is that we completed the direct  
6 testimony of our planner, Mr. McDonough.

7           There was cross of our neighbors and  
8 objectors and now it's time for the questions of the  
9 board of Mr. McDonough.

10           Also at that meeting, Outfront had  
11 offered to provide a stronger buffer along the  
12 Route 17 North Schedler property. We understand that  
13 that would be the subject of municipal review and we  
14 understand and that was discussed at length there.

15           So we understand that the Village has  
16 its own plan and may be doing its own plan, but we  
17 wanted to at least present a plan as the scope of  
18 what we would be willing to do. And as far as the  
19 city -- the Village would want to do, you know,  
20 subject to -- that would be subject to the approval  
21 of this board should we get approved.

22           Because of that, we'd also bring you  
23 back Mr. Skapinetz from Dynamic Engineering to  
24 discuss that plan. There's only one -- two exhibits.

25           So unless Mr. Standriff has anything to

1 say right now, I would start -- would have --  
2 Mr. McDonough is up and he's been previously sworn  
3 and if the board has any questions of Mr. McDonough.

4 CHAIRMAN BROWN: Thank you.

5 MR. Standriff?

6 MR. STANDRIFF: No objections, no  
7 comments at this time.

8 CHAIRMAN BROWN: Okay. Thank you very  
9 much.

10 All right. I'm going to go ahead and  
11 open it up for board member questions of  
12 Mr. McDonough, the applicant's planner.

13 I'm going to start over to my right  
14 with Matthew and we'll go from there.

15 J O H N M c D O N O U G H, PP, AICP

16 101 Gibraltar Drive, Morris Plains, New Jersey  
17 07950, having been previously sworn, continues to  
18 testify as follows:

19 VICE CHAIRMAN BANDELT: Good evening,  
20 Mr. McDonough.

21 MR. McDONOUGH: Good evening.

22 VICE CHAIRMAN BANDELT: Thank you for  
23 your testimony thus far.

24 I'd like to begin by asking a few  
25 questions about what I'll call your opening statement

1 on the June 27th meeting. I'd like to begin by just  
2 reading back just into the record what you had  
3 previously stated.

4 So I'm reading from the transcript:

5 "You've got a D-1 use relief to allow  
6 an off-premises sign, which is not permitted  
7 in any zone in your community.

8 "That's what this establishment does.  
9 That's what this business does is create these  
10 structures for people who want to put messages  
11 on the signs.

12 "So they can't do that anywhere here in  
13 your community and we think we have found the  
14 optimum location being located along a  
15 highway."

16 Then you went on to say:

17 "Again, it's a use that has a right to  
18 be somewhere."

19 So oftentimes when we have applicants  
20 come before this board, the applicant witnesses speak  
21 to the justification for why a bulk or use variance  
22 can be given.

23 However, it's rare to hear a planner  
24 say that something has a right to be there. And so  
25 can you clarify what you mean by that the applicant

1 has a right to put this structure somewhere in the  
2 community?

3 MR. McDONOUGH: Sure.

4 Again, I'm a planner, not a lawyer. We  
5 operate in a legal framework.

6 And I'll refer the board to that Bell  
7 v. Stafford case, which does talk about the  
8 constitutionality of this particular land use. And  
9 this is effectively a wholesale ban on a land use  
10 which -- which does serve a public purpose and, in my  
11 view, does belong somewhere.

12 VICE CHAIRMAN BANDELT: Okay. So I  
13 recognize you're testifying as a planner, not a legal  
14 expert.

15 From a planning perspective, can you  
16 just describe what that case means in terms of having  
17 a right to be in this community?

18 And, again, from a planning  
19 perspective, not a -- not a legal perspective.

20 MR. McDONOUGH: Again, the Bell v.  
21 Stafford case, as I understand it, found as to the  
22 constitutionality of the land use, that it does --  
23 that the use is a form of constitutional free speech.

24 VICE CHAIRMAN BANDELT: Okay.

25 So from your testimony, I understand

1 this would sort of serve as a legal precedence for  
2 the use being allowed somewhere within the community.

3 Does this board or the Village Council  
4 have a right to regulate it?

5 And, by that, I don't mean regulate the  
6 content of what appears on the sign, but regulate,  
7 you know, the place of where it would be, the time of  
8 operation, the manner, the size of it?

9 MR. McDONOUGH: Was your question, just  
10 for clarity, was it this board or the community?

11 VICE CHAIRMAN BANDELT: This board and  
12 then -- yeah.

13 MR. McDONOUGH: The answer is both,  
14 yes.

15 Obviously the town has the authority,  
16 the governing body has the authority to zone. That's  
17 a legal mechanism that is certainly permissible, 100  
18 years ago if they found that that was appropriate and  
19 this board is the -- is the legal entity that has the  
20 right to vet zoning adjustments.

21 VICE CHAIRMAN BANDELT: Okay. So it's  
22 kind of reasonable to say that there can be  
23 constraints put on a billboard, even though -- even  
24 though there's -- there's a right to have it, as you  
25 mentioned, from the case, there can be constraints

1 maybe on the location or the height on the billboard.

2 Is that correct?

3 MR. McDONOUGH: Yes, that's one of the  
4 roles of this board is to assign reasonable  
5 restrictions on a development application, any land  
6 use --

7 VICE CHAIRMAN BANDELT: Okay.

8 THE WITNESS: -- that comes before the  
9 board.

10 VICE CHAIRMAN BANDELT: Thank you.

11 Next I'd like to talk about the -- the  
12 height of the billboard in particular.

13 And, Ms. Wondergem, I'm wondering if  
14 you can pull up A-16 and can you go to Sheet 3.

15 On the bottom of that sheet, the height  
16 is noted, I -- it's 40 feet.

17 Is that correct?

18 MR. McDONOUGH: Yes.

19 VICE CHAIRMAN BANDELT: Thank you.

20 And what's the permitted height within  
21 the OB-2 zone?

22 MR. McDONOUGH: Thirty feet.

23 VICE CHAIRMAN BANDELT: Okay.

24 So that would be 33 percent taller than  
25 what's permitted in the zone.

1                   Is that correct?

2                   MR. McDONOUGH: That's correct, that's  
3 why we called it out as a D-6 variance.

4                   VICE CHAIRMAN BANDELT: Okay.

5                   Thank you.

6                   And I'll read back from some other  
7 testimony next, not from yours, but from another  
8 witness, Mr. Antal.

9                   On March 22nd, 2022 he said -- talking  
10 about the height and why he -- why the applicant felt  
11 that it was appropriate, he said:

12                   "We need to take those into account  
13 when we're establishing the visibility of the  
14 signs and the height for which it should be  
15 located as.

16                   "For example, the Exxon canopy  
17 adjacent to the property, if it was lower,  
18 that canopy would be more of a visual  
19 impediment."

20                   And then on May 10th, he said something  
21 similar, he said:

22                   "The height that we've selected is  
23 based on the individual lot."

24                   And on September 12th of this year, you  
25 -- now I'm referring to your testimony, you said:

1                    "I'll fall back on the photo  
2                    simulations and the testimony on the record as  
3                    to why that 40 foot was necessary for this  
4                    land use to effectuate its purposes and all of  
5                    those public benefits that I spoke about with  
6                    respect to the use.

7                    "The height is necessary to effectuate  
8                    the use. It needs a certain height to fulfill  
9                    its purpose."

10                   If, as you say buildings on these  
11                   neighboring properties, which I believe are all  
12                   conforming in height, prevent the use from being  
13                   effectuated, is this site well-suited?

14                   MR. McDONOUGH: In my opinion, yes.

15                   Again, given the surrounding land use  
16                   context, there's a very large object right there  
17                   which has a dominating presence, that's the -- the  
18                   cell tower, which you can see from over at the  
19                   church. And we tried to give the board a visual  
20                   assessment of that or visual evidence of that by  
21                   flying that drone around and giving the board the  
22                   benefit of various vantage points where one clearly  
23                   can see that cell tower from over by the church.

24                   And I'm just using the church as one  
25                   example. Whereas, this sign, although it does

1 require relief, is actually dwarfed by that object  
2 that is right there.

3 VICE CHAIRMAN BANDELT: Okay.

4 And is the cell tower a permitted use  
5 within the OB-2 district?

6 MR. McDONOUGH: I would have to go back  
7 and check whether that was granted relief relative to  
8 use or height.

9 VICE CHAIRMAN BANDELT: Okay.

10 THE WITNESS: I don't know.

11 VICE CHAIRMAN BANDELT: Okay.

12 I'll just -- I believe it is a  
13 permitted use within the OB-2 --

14 MR. McDONOUGH: Either way it's a --  
15 it's a physical object that is certainly there that  
16 has an influence on the visual perception of this  
17 sign.

18 VICE CHAIRMAN BANDELT: Okay.

19 So, again, once again, you said that  
20 the height is necessary to effectuate the use.

21 Ms. Wondergem, can you pull up Exhibit  
22 A-4?

23 Okay. So now I know you didn't prepare  
24 this exhibit, Mr. McDonough, but here I believe the  
25 photo representation of the billboard is depicted at

1 40 feet.

2 Is that correct?

3 MR. McDONOUGH: That -- that is my --  
4 is my recollection, yes.

5 VICE CHAIRMAN BANDELT: Thank you.

6 And back to the engineer's plan, I know  
7 the billboard is 40 feet and I believe the -- I guess  
8 I'll call it the LED portion is 10-and-a-half feet  
9 approximately.

10 Is that correct?

11 MR. McDONOUGH: Yes.

12 The actual panel itself --

13 VICE CHAIRMAN BANDELT: Yes --

14 THE WITNESS: Yes.

15 VICE CHAIRMAN BANDELT: -- is

16 10-and-a-half feet.

17 Ms. Wondergem, can you zoom in a bit on  
18 the -- I don't know if it's possible -- on the actual  
19 billboard?

20 Yeah, keep going in, just so we can  
21 look at it a little bit closer.

22 Okay. So I see -- you can see the  
23 digital billboard portion, correct?

24 MR. McDONOUGH: Yes.

25 VICE CHAIRMAN BANDELT: And under that

1 I think it was previously called the apron, it's a  
2 couple of feet.

3 I don't know exactly --

4 MR. McDONOUGH: It's about 3 feet or  
5 so, maybe --

6 VICE CHAIRMAN BANDELT: Sure.

7 So underneath the apron, what do you  
8 see below that, directly below it?

9 MR. McDONOUGH: A tree, trees. I'm not  
10 sure.

11 I see a framework of trees behind it.

12 VICE CHAIRMAN BANDELT: Okay. They're  
13 behind it and -- but there's nothing directly below  
14 it.

15 Is that correct?

16 MR. McDONOUGH: There is nothing -- no  
17 -- nothing directly below it, no.

18 VICE CHAIRMAN BANDELT: Thank you.

19 And so, again, I'd like to just refer  
20 you back to that September 12th testimony, you said:

21 "I'll fall back on the photo  
22 simulations..." the height is necessary, "to  
23 effectuate..." the use.

24 Can you explain to me why does the  
25 billboard need to be that tall if you have all this

1 empty space directly beneath it?

2 MR. McDONOUGH: Well, there are objects  
3 on the roadway that become impediments to visibility,  
4 not the least of which are -- are trucks.

5 So we have found, and we see 40 feet as  
6 a -- as a common height for these structures, to  
7 enhance the visibility when we're dealing with larger  
8 vehicles like trucks --

9 VICE CHAIRMAN BANDELT: Okay. I'll  
10 just note --

11 THE WITNESS: -- which could be  
12 approximately, I don't know, 14-feet high off the  
13 ground.

14 VICE CHAIRMAN BANDELT: Okay. I will  
15 note that one of the other locations that was  
16 referenced by Mr. Antal, a location that I believe  
17 they own or operate, was 35 feet in Maywood.

18 So to me when I looked at Exhibit A-4,  
19 at the rendering of both 750 feet and 500 feet, it  
20 doesn't really indicate to me that 40 feet is  
21 necessary.

22 I think there's plenty of empty space  
23 below that location that doesn't require that.

24 In fact, if I looked at -- look at the  
25 neighboring Exxon station as an example, they have a

1 sign structure that displays prices for customers and  
2 that sign, which is certainly conforming in height,  
3 is also able to effectuate a message to Exxon  
4 customers.

5 So it's unclear to me why the applicant  
6 here cannot do the same within the 30-foot height  
7 limit.

8 So I guess my question would be: Is  
9 the applicant willing to consider a conforming height  
10 to eliminate one of the variances being sought?

11 MR. McDONOUGH: I -- I don't know that  
12 I can answer that directly.

13 VICE CHAIRMAN BANDELT: Well, if you  
14 can't, I'll leave that out there for the --

15 MR. McDONOUGH: We'll leave that open.

16 VICE CHAIRMAN BANDELT: -- the  
17 applicant's team to consider.

18 MR. D'ARMINIO: I'll speak to my client  
19 with regard to your --

20 VICE CHAIRMAN BANDELT: Sure.

21 MR. D'ARMINIO: -- request.

22 VICE CHAIRMAN BANDELT: Thank you.

23 So what I'd like to do is go back to  
24 the location of the sign, Mr. McDonough.

25 You presented an exhibit and I

1 apologize, I don't have the exhibit number, but its  
2 titled "Outdoor Advertising Permits."

3 MR. McDONOUGH: Yes.

4 VICE CHAIRMAN BANDELT: And it's, I  
5 believe, issued by NJ DOT.

6 MR. McDONOUGH: Yes.

7 VICE CHAIRMAN BANDELT: And in there it  
8 has a list of different billboard structures within  
9 the Village of Ridgewood.

10 MR. D'ARMINIO: It's A-27.

11 VICE CHAIRMAN BANDELT: Thank you A-27.

12 An I -- first I have just a qualifying  
13 question.

14 Can you explain to me why the total  
15 square feet is listed as 200 square -- or 2,000  
16 square feet?

17 I'm specifically asking because the  
18 engineer's plan says 374.7 square feet. And I'm just  
19 -- if you can clarify that, I'd appreciate it.

20 MR. McDONOUGH: In -- in my experience,  
21 outdoor advertisers pursue the largest sign  
22 permissible by -- by DOT and that would be where that  
23 2,000 square feet starts at.

24 VICE CHAIRMAN BANDELT: Okay.

25 And just to clarify, you're seeking

1 374.7.

2 MR. McDONOUGH: 375 is -- is -- yes,  
3 and I have here 10-feet-6-inches-wide by  
4 35-and-8-and-a-quarter-inches high.

5 VICE CHAIRMAN BANDELT: Thank you.

6 I just wanted -- that was more for  
7 qualification --

8 MR. McDONOUGH: I said it in reverse.

9 MR. D'ARMINIO: You said it in reverse.

10 MR. McDONOUGH: Yes.

11 MR. D'ARMINIO: Okay.

12 And just for the record, that  
13 requirement is the maximum --

14 VICE CHAIRMAN BANDELT: Got it.

15 MR. D'ARMINIO: -- as to what you apply  
16 for here --

17 VICE CHAIRMAN BANDELT: No, I --

18 MR. D'ARMINIO: -- controls.

19 VICE CHAIRMAN BANDELT: I understood.

20 Yeah, that's what I figured it was, but  
21 I wasn't 100 percent sure.

22 So -- thank you.

23 So referring back to that document, I  
24 know you presented a few different billboards that  
25 are within the Village and you talked about the

1 locations where they are.

2 How many of those billboards in  
3 Ridgewood are two-sided?

4 MR. McDONOUGH: I don't believe any of  
5 them are.

6 I think -- I believe the ones I showed  
7 were mounted over by the train station. I'd have to  
8 look at some of the smaller ones to see if they're on  
9 both sides of the tracks, but I would say most are  
10 not two-sided.

11 VICE CHAIRMAN BANDELT: Okay. I  
12 believe all -- all are not.

13 How many of those billboards are  
14 located on a lot in or adjacent to a residential  
15 zone?

16 MR. McDONOUGH: Well, again, the reason  
17 why we're here, the reason why the applicant has  
18 procured an outdoor advertising permit is because  
19 it's in a non-residential zone.

20 VICE CHAIRMAN BANDELT: Okay.

21 So are any adjacent to a residential  
22 zone?

23 The lot abuts -- you know, the lot's  
24 dividing line is with a residential zone?

25 MR. McDONOUGH: I -- I don't know.

1 VICE CHAIRMAN BANDELT: Okay.

2 How many of those billboards are  
3 located within 200 feet of a residential zone?

4 MR. McDONOUGH: I don't know.

5 VICE CHAIRMAN BANDELT: Okay.

6 I believe none of them are.

7 In Mr. Antal and other prior testimony  
8 there was reference to a Maywood location on Route 17  
9 where the applicant either owns or operates a sign.

10 There are also some exhibits presented  
11 that showed that structure.

12 In your zoning analysis did you look at  
13 Maywood or other signs along Route 17.

14 MR. McDONOUGH: I was the planner on  
15 the Maywood application, so I know it well.

16 VICE CHAIRMAN BANDELT: Thank you.

17 How many -- was that sign located  
18 adjacent to a residential zone?

19 MR. McDONOUGH: I don't recall.

20 VICE CHAIRMAN BANDELT: And either in  
21 that application or others that you looked at, how  
22 many were located within 200 feet of a residential  
23 zone?

24 MR. McDONOUGH: Again, I don't recall.

25 VICE CHAIRMAN BANDELT: Okay.

1                   Next I'd like to look at Exhibit A-20.  
2                   Okay. So if you look to, I guess, the  
3 southeast, that large plot of land is -- is what you  
4 referred to as the Schedler property.

5                   Is that correct?

6                   MR. McDONOUGH: That is correct.

7                   VICE CHAIRMAN BANDELT: Thank you.

8                   And what's the current use of that  
9 property to your knowledge?

10                  MR. McDONOUGH: The current --  
11 currently it's vacant.

12                  VICE CHAIRMAN BANDELT: Okay.

13                  Thank you.

14                  You previously testified that the  
15 applicant is considering or has offered to, I guess,  
16 work with the Village to plant some evergreen trees  
17 and I believe there will be some exhibits from --  
18 from another witness to that effect later to limit  
19 the line-of-sight affected by, I guess, that property  
20 to the south.

21                  Is that correct?

22                  MR. McDONOUGH: That's correct.

23                  If -- if the board would recall,  
24 there's a double row of evergreens that have been  
25 planted out there.

1           The applicant is proposing to or  
2 stipulating to supplement with enhanced evergreens,  
3 larger evergreens than what are out there.

4           VICE CHAIRMAN BANDELT: Thank you.

5           If we look to, I guess, the northeast  
6 now, it seems to me that, you know, so on the south  
7 you have this one large plot of land and to the  
8 northeast you have a much higher density of  
9 residences than you have to the south and I know you  
10 discussed some considerations to limit the impacts to  
11 the commercial property that Mr. Standriff is  
12 representing by using the louver technology, we heard  
13 testimony around that.

14           And the south you have these evergreens  
15 that I guess you're proposing. Has the applicant  
16 thought of any considerations that would be made to  
17 residential structures to the northeast?

18           MR. D'ARMINIO: That would be me --

19           VICE CHAIRMAN BANDELT: Okay.

20           MR. D'ARMINIO: -- to answer that.

21           I guess as the testimony is developed  
22 today by the objectors, that's something that we  
23 would consider.

24           But right now it's all private  
25 property --

1 VICE CHAIRMAN BANDELT: Okay.

2 MR. D'ARMINIO: -- so we couldn't --

3 VICE CHAIRMAN BANDELT: Okay.

4 MR. D'ARMINIO: -- couldn't do anything  
5 right now, but if there's a suggestion that -- that  
6 would be helpful, I'm sure my client would consider  
7 it.

8 VICE CHAIRMAN BANDELT: Okay.

9 Well, I guess as a suggestion that I  
10 have, again, and I'd refer back to that outdoor  
11 advertising permit exhibit, which -- which you  
12 displayed.

13 I believe none of those other  
14 billboards within the Village of Ridgewood are  
15 two-sided and so I would ask that the applicant  
16 consider a billboard that is single directional to  
17 limit the impact to the residences to the north.

18 Before I conclude with the questions  
19 that I have, I heard various witnesses that the sign  
20 is appropriate in size.

21 So I guess my question from a planning  
22 perspective, would it be safe to assume that the size  
23 of a billboard in say, New York City or on a major  
24 large interstate, would not be the same size than  
25 what you'd put in -- on Route 17 in Ridgewood?

1 MR. McDONOUGH: That's correct.  
2 Billboard signs vary, 14-by-48 is perhaps the most  
3 common that we see. This is a -- a smaller size, a  
4 smaller sign. So it has been scaled back from what  
5 is the -- I'll say, the typical billboard sign that  
6 we encounter.

7 VICE CHAIRMAN BANDELT: Okay.

8 And so I imagine there's some -- you  
9 know, so you presented a range of different square  
10 footage, again, in that outdoor advertising exhibit.

11 Today if I were to call up Outfront  
12 Media and I say I want to place an ad, you may not be  
13 the correct person to answer this, but are there  
14 standard sizes from, say, extra small to extra large?  
15 You know, and I'm using in phrases, but are there  
16 sort of standard sizes to your knowledge from a  
17 planning perspective on billboard signs.

18 MR. D'ARMINIO: Do you know the sizes?

19 MR. McDONOUGH: I -- I don't know the  
20 sizes.

21 VICE CHAIRMAN BANDELT: Okay.

22 MR. D'ARMINIO: I can get you that.

23 VICE CHAIRMAN BANDELT: Maybe if you  
24 can -- if you can get that --

25 MR. D'ARMINIO: Of course.

1                   VICE CHAIRMAN BANDELT: -- I think that  
2 would be appreciated, because, you know -- so one of  
3 the reasons why I'm asking this question now is  
4 because I had heard the testimony thus far and it  
5 would seem, you know, based -- I've heard it's an  
6 appropriate size, but that's just based on opinion  
7 and, you know, if there's some data to support, and  
8 I'm talking about, you know, data based on whether  
9 it's volume of cars passing, proximity to other  
10 structures, et cetera, I think that would be -- be  
11 helpful.

12                   And so the last question that I have  
13 is, and this is a -- again, a qualifying question, so  
14 on your June 27th testimony you mentioned that  
15 there's a 3,000-foot-minimum separation distance?

16                   MR. McDONOUGH: Yes.

17                   VICE CHAIRMAN BANDELT: And I went down  
18 to the Maywood location to look at that because it  
19 was referenced in this application, but when I was  
20 driving northbound on Route 17 there's literally two  
21 signs, they couldn't be separated by more than 150,  
22 200 feet.

23                   And so I was wondering -- just can you  
24 clarify why that is allowed?

25                   MR. McDONOUGH: Yes.

1                   That 3,000 foot -- linear foot  
2 separation pertains to the same side of the highway.

3                   VICE CHAIRMAN BANDELT:   Okay.

4                   THE WITNESS:   So it's not atypical,  
5 think of Route 3 by the Meadowlands, you have two  
6 signs on the opposite side of Route 3, right opposite  
7 each other.

8                   VICE CHAIRMAN BANDELT:   So if there was  
9 a location, and I'm not saying there is, but if there  
10 was a location on the other side of 17 that -- that  
11 wasn't a residential zone, could a billboard sign be  
12 placed there?

13                   MR. McDONOUGH:   Well, I would say that  
14 --

15                   VICE CHAIRMAN BANDELT:   Or could a --  
16 could NJ DOT issue you a permit to place one on  
17 another side?

18                   MR. McDONOUGH:   NJ DOT could not issue  
19 a permit for, I'll call it the south side from this  
20 perspective, from the -- from the other side of the  
21 highway, because it's not a non-residential zone.

22                                   That's a prerequisite to getting an  
23 outdoor advertising --

24                   VICE CHAIRMAN BANDELT:   Right.  If --  
25 if there's a non-residential zone on the other side

1 of...

2 MR. McDONOUGH: Then the answer is yes.

3 VICE CHAIRMAN BANDELT: Yes. And I  
4 don't know if there is, I'm just...

5 MR. McDONOUGH: If it meets all the  
6 other separation requirements, the answer is --

7 VICE CHAIRMAN BANDELT: Yes.

8 THE WITNESS: -- yes.

9 VICE CHAIRMAN BANDELT: Okay. Thank  
10 you.

11 Sorry, just one last thing.

12 Thank you for -- for clarifying that.

13 So, I -- I -- you know, I hope you  
14 understand my position as it relates to the height,  
15 as well as, the -- you know, potentially looking at a  
16 single directional sign, but I also remain concerned  
17 about the size and particularly the location and  
18 whether the site is well-suited given the proximity  
19 to residential zones.

20 Again, I know you said that you don't  
21 recall whether some of those other locations are  
22 adjacent to residential properties or within  
23 200 feet, but I'm -- I'm particularly concerned about  
24 that location and so that concludes the questions  
25 that I had.

1 MR. McDONOUGH: Thank you.

2 VICE CHAIRMAN BANDELT: Thank you.

3 CHAIRMAN BROWN: Thanks, Matt.

4 MS. RUHL: Can I have some follow-up on  
5 your --

6 CHAIRMAN BROWN: Sure, go ahead.

7 MS. RUHL: -- height of sign?

8 When you talk about effectuating the  
9 purpose of the -- the purpose at a lower -- can you  
10 effectuate the purpose at a lower height?

11 MR. McDONOUGH: According to the  
12 applicant, the applicant has testified, the operator  
13 has testified --

14 MS. RUHL I'm asking you as a planner.  
15 Could you still effectuate the purpose  
16 at a lower height?

17 MR. McDONOUGH: The answer is I don't  
18 know, because I haven't seen visuals at a lower  
19 height.

20 This is the height that the applicant  
21 needs to have the sign visible to the motoring  
22 public.

23 MS. RUHL: All right.

24 THE WITNESS: Would a smaller sign,  
25 would a lower sign work here? I -- I don't believe

1 so based on the testimony on the record.

2 CHAIRMAN BROWN: Mr. McDonough, can you  
3 talk a little bit more into the mic so they can --  
4 thanks.

5 MR. McDONOUGH: Yes.

6 Can you pick me up better?

7 CHAIRMAN BROWN: Yes.

8 Thank you.

9 MS. RUHL: Because the -- what is the  
10 height of an exit or a sign on the side of the road?

11 Like when you're driving on a highway,  
12 there's an exit sign. How far off the ground is that  
13 sign?

14 MR. McDONOUGH: I don't know. I don't  
15 know how -- that's an MUTCD -- I know a typical stop  
16 sign is about 8 feet off the ground, but I don't know  
17 about an exit --

18 MS. RUHL: So I guess --

19 THE WITNESS: -- a highway exit sign?

20 MS. RUHL: Yeah, or an exit sign or a  
21 sign that says Ridgewood coming to the right, like  
22 you know what I'm saying?

23 When you're driving, the most important  
24 sign for you wanting to know where you're going are  
25 the signs for exit, the street -- those signs, how

1 tall are they, more or less?

2 MR. McDONOUGH: I -- I honestly don't  
3 know. All I can say is as a frame of reference a  
4 typical stop sign is 8 feet. I would imagine an exit  
5 sign is -- is higher.

6 MS. RUHL: Okay.

7 Are they 30 feet, 40?

8 MR. McDONOUGH: I don't believe so, no.

9 MS. RUHL: Okay.

10 I'm just trying to understand something  
11 that's the most important thing that someone needs to  
12 see on the road, it's okay to be 10, 15 feet off of  
13 the road to effectuate its purpose.

14 I'm just curious, just something for  
15 you guys to think about, could you effectuate the  
16 purpose of something that's not as important as the  
17 most important thing you need when you're driving.

18 MR. D'ARMINIO: Yeah, I think we've  
19 actually had testimony already to this point by  
20 Mr. Taylor and Mr. Antal.

21 So I'll have the record reflect that  
22 and maybe I can, you know, point that out to you at  
23 some other time, but from a -- but this is Mr. --  
24 this your testimony, right, Mr. McDonough?

25 MR. McDONOUGH: Yes, it is.

1                   MR. D'ARMINIO: That -- that usually --  
2 this is more of, like, an operational thing of how --  
3 -

4                   MS. RUHL: No, this is not --

5                   MR. D'ARMINIO: -- how billboards  
6 operate.

7                   MS. RUHL: This is not operational.  
8 This is purely from a planning perspective, he was  
9 talking about effectuating a purpose. And I'm still  
10 trying to understand if you could effectuate the  
11 purpose of a sign at 10 feet when comparable to a  
12 street sign that you need to read to get off at the  
13 exit.

14                   So that's all I was comparing. That's  
15 my question.

16                   MR. McDONOUGH: And as with all  
17 planning, it's about -- it's about balance.

18                   To effectuate its purpose, the sign  
19 needs to be visible, it needs to be seen.

20                   The applicant is proposing a height  
21 here, which we feel effectuates that purpose in terms  
22 of visibility without creating a substantially  
23 negative impact.

24                   That's where the balance comes into  
25 play.

1 MS. RUHL: Okay.

2 Thank you.

3 CHAIRMAN BROWN: Thank you.

4 Jonathan, do you have any questions?

5 MR. PAPIETRO: Yes, Mr. Chairman, I do.

6 CHAIRMAN BROWN: Thank you.

7 MR. PAPIETRO: Mr. McDonough, when, as  
8 a professional planner, were you brought in to  
9 evaluate this application?

10 MR. McDONOUGH: We were brought on very  
11 early in the -- in the stage, and I think our  
12 photographs reflect that.

13 I would say approximately 2020 is when  
14 our photographs go back to.

15 MR. PAPIETRO: Was that before any  
16 contractual discussions with the property owner?

17 Was it ahead of everything to see what  
18 might be the impact or not?

19 MR. McDONOUGH: I -- I don't know what  
20 the relationship with the property owner was at the  
21 time I was pulled in.

22 MR. PAPIETRO: Okay.

23 At a previous meeting you asked a  
24 question, and then you provided the answer. Your  
25 question was, who benefits? Do you recall your

1 answer?

2 MR. McDONOUGH: Yes, people.

3 MR. PAPIETRO: Actually I noted it as  
4 everyone, but people.

5 Towards that end, do you have any  
6 surveys, reports you're aware of or can produce that  
7 indicate what percentage of traffic driving by any  
8 digital sign, state highways, federal highways  
9 actually use, rely on, digital signs for any  
10 information? What percentage of traffic in general  
11 looks for those signs for information?

12 MR. McDONOUGH: I have seen information  
13 in that regard that the industry publishes, but I  
14 don't have it --

15 MR. PAPIETRO: You don't have it?  
16 Okay.

17 THE WITNESS: -- readily handy.

18 MR. PAPIETRO: Well, then the next  
19 question is along the same lines, when traffic is  
20 passing by at highway speeds, and in this road here  
21 it's about 55 to 60, so almost a mile a minute, do  
22 you have any information that indicates how many  
23 times a driver may be distracted to try to read that  
24 sign during its eight seconds while they're driving  
25 by?

1                   How many times are they distracted from  
2 driving or turned away to see your sign while they're  
3 driving.

4                   MR. D'ARMINIO: First objection to the  
5 term "distraction." It's not a distraction. It's a  
6 glance.

7                   And we've had extensive testimony from  
8 our expert traffic engineer as to how many times it  
9 takes to look at a sign, the time it takes, what each  
10 glance is, what's the total dwell time.

11                   We've actually had that testimony. And  
12 it's on the record. I believe it was like the third  
13 or fourth meeting, I would direct you to that  
14 testimony.

15                   But this witness wouldn't be the proper  
16 testimony as to traffic viewing of the sign, but  
17 we've had extensive testimony that was a long time  
18 ago so -- and I deal with it all the time, so I know  
19 it, but we did do it, I just reviewed the transcript.

20                   MR. PAPIETRO: Okay. Thank you.

21                   When the application was presented in a  
22 early meeting, it was mentioned that a number of  
23 communities were considered, as many as 20 or  
24 something, and some details were offered and  
25 Ridgewood came out on top, but in Ridgewood this sign

1 is not permitted --

2 MR. D'ARMINIO: Okay.

3 MR. PAPIETRO: And everything about it  
4 is questionable.

5 So I'm just wondering who was the  
6 second community.

7 MR. D'ARMINIO: Excuse me, object to  
8 the characterization of the testimony.

9 The testimony were that -- from  
10 Mr. Antal was that there were 20 communities at that  
11 time who agreed to -- who wanted to do the protocols  
12 and to participate, when we offer the protocols to  
13 everyone as to using it for municipal purposes, and  
14 there were 20 people who -- 20 municipalities and we  
15 gave samples of them.

16 Those were Exhibits A-8, I believe, and  
17 then sample packet, A-7.

18 MR. PAPIETRO: I'm sorry, say that  
19 again?

20 MR. D'ARMINIO: A-8 and A-7.

21 So what he was referring to with 20  
22 were those people who -- those municipalities that  
23 were in -- who have used the protocols and were  
24 partners with Outfront in providing information about  
25 events in the town, emergency information and those

1 sorts of things, that was how the 20 was used.

2 I mean the record speaks for itself,  
3 but in terms of other people or other locations that  
4 were done, that was not what the 20 referenced.

5 So I would tell him -- I would ask you  
6 to please review that and, of course, if I'm  
7 mistaken, you can please circle back to that, but I'm  
8 pretty sure that's what it said.

9 MR. PAPIETRO: Very well.

10 Thank you.

11 That's all, Mr. Chairman.

12 CHAIRMAN BROWN: Thank you.

13 Gary, do you have any questions?

14 MR. NEGRYCZ: Do you believe from a  
15 planning point of view that that location was picked  
16 because it's in Ridgewood or was it picked because  
17 it's one of the few locations on Route 17 that allows  
18 you to make a two-sided sign and catch both of them  
19 because of the alignment of 17 at that particular  
20 point?

21 MR. D'ARMINIO: I think, as to the  
22 selection, that probably would be better directed to  
23 Mr. Antal whose testimony has actually been  
24 completed, but if you could, from a planning  
25 perspective, answer that.

1                   But I believe it should be answered by  
2 -- would be answered by Mr. Antal as to why they  
3 selected that.

4                   MR. McDONOUGH: From a land use  
5 planning perspective --

6                   MR. D'ARMINIO: Okay.

7                   THE WITNESS: -- as opposed to from an  
8 operational perspective, in terms of the why here?  
9 That may have been driven by the municipality, I  
10 don't know.

11                   It's a land use that follows the  
12 highways, it follows cars. It follows headlights, if  
13 you will. There are a lot of headlights there.

14                   So it hits -- it certainly hits the  
15 metrics that would be favorable to, I'll say, a  
16 name-brand operator, such as that which is before  
17 you.

18                   But from a planning standpoint, we try  
19 to take great care to look at the physical aspect of  
20 -- of the area and the concerns that the board and  
21 anyone would have, visual impact, safety, brightness,  
22 which have all been well-vetted, I believe, by all  
23 the detailed testimony of all the experts that have  
24 gone before me and the evidence that has -- has been  
25 given to the board, been handed up.

1                   So this is a site that has been  
2                   carefully reviewed and analyzed, and from a pure  
3                   physical standpoint, through a physical planning  
4                   standpoint, that's why I think the site selection is  
5                   appropriate, not the municipality.

6                   MR. NEGRYCZ:   Thank you.

7                   CHAIRMAN BROWN:  Thanks, Gary.

8                   Jason?

9                   MR. CURRERI:   Yeah, I would just like  
10                  to talk about the property, 548 Route 17, for a  
11                  second.

12                  So in your testimony you had stated  
13                  that the property was abandoned, you called it an  
14                  abandoned residential use.  Comments that we had on  
15                  the previous meeting and then at other meetings had  
16                  indicated that there's 77 year -- a 77-year resident  
17                  of that property that's lived there.

18                  Do you still consider the property  
19                  abandoned?

20                  MR. McDONOUGH:  No.

21                  And, again, I said it was abandoned,  
22                  because it looked to me like it was.  It was just  
23                  perception.

24                  MR. CURRERI:   Just your perception?

25                  Okay.

1                   MR. McDONOUGH: To the extent that  
2 someone lives there, I have gone out there, I have  
3 looked at that site. I see the vehicles going very  
4 close to that house, the splash of lights constantly  
5 on the side of that house and I'm sure as we go  
6 forward, you've heard it through counsel here, if  
7 there's a way to mitigate impact on that home,  
8 similar to what's happening at the Schedler, I think  
9 that's something our applicant will certainly  
10 consider as -- as we go forward.

11                   There are influences and impacts on  
12 that home now that are much greater than what this  
13 sign would do.

14                   MR. CURRERI: Well, you know, to that  
15 end in your testimony you had mentioned that there  
16 was overgrowth there of trees.

17                   Although eventually this is a private  
18 residence, it will convey whether it's through her  
19 death or her selling the property to somebody else.

20                   Is it reasonable to assume that the  
21 next owner would cut down some trees or keep the area  
22 that is, according to your testimony, blocking out  
23 some of that sound and that light in the future?

24                   MR. McDONOUGH: I don't know and I  
25 can't speculate. The highway is right there, that's

1 all I can say, it's right there.

2 MR. CURRERI: So just maybe for  
3 clarity, though, so at one point although you're  
4 talking about it as it's overgrowth to the point it  
5 makes it look abandoned, and then is blocking some of  
6 it now, but if someone goes into it, they're probably  
7 not going to want the house to look abandoned.

8 So it's not reasonable to assume that  
9 there's going to be some landscaping done to that  
10 property when it's conveyed eventually.

11 MR. McDONOUGH: I would certainly say  
12 from a planning perspective it's reasonable to assume  
13 that that site will be landscaped to protect it from  
14 the highway --

15 MR. CURRERI: Okay.

16 THE WITNESS: The influence of the  
17 highway.

18 MR. CURRERI: That's all I have.

19 Thanks.

20 MR. STANDRIFF: If I may, Ms. Marticek  
21 is present tonight, the resident at 548 Route 17,  
22 she's here in the room.

23 CHAIRMAN BROWN: Thank you.

24 Thanks, Jason.

25 Harold, do you have any questions?

1 MR. MAXWELL: No questions.

2 CHAIRMAN BROWN: Okay, great.

3 I just want to go back to the location,  
4 you know, and look at its -- you know, as you  
5 referred to its suitability in that location.

6 For the other -- for other applications  
7 in other municipalities that you've been a part of,  
8 were any of those within the 200 feet, were any of  
9 those other residential?

10 Did you have a residential aspect  
11 within -- inside 200 feet for any of those  
12 applications.

13 MR. McDONOUGH: Have I ever had a  
14 billboard application within 200 feet of a  
15 residential boundary?

16 I'm sure I have. I would have to go  
17 through -- I've done many of these applications, so I  
18 would have to pinpoint some --

19 CHAIRMAN BROWN: So --

20 THE WITNESS: --

21 CHAIRMAN BROWN: So within -- so with  
22 that and I know that Matthew talked about the  
23 Maplewood [sic] location --

24 VICE CHAIRMAN BANDELT: Maywood.

25 CHAIRMAN BROWN: Maywood, sorry.

1                   They -- that was a -- when we looked at  
2 the 3,000 feet, according to DOT, that was a -- that  
3 was zoned business and the -- commercial and the  
4 opposite side is commercial as well.

5                   So here you're looking at -- I just  
6 want to, like, drill down on suitability. You do  
7 have two zones. Technically actually, I guess, three  
8 zones, because there's the housing zone in there as  
9 well, the --

10                   VICE CHAIRMAN BANDELT: AH-3.

11                   CHAIRMAN BROWN: AH-3? Thanks.

12                   So I just want to get your perspective  
13 again why it's suitable in a location that DOT  
14 requires it to be commercial, but you're proposing to  
15 put a billboard in a commercial that also has the  
16 AH-3 and a residential zone with inside its scope.

17                   MR. McDONOUGH: Understood.

18                   So the question is, it's in a  
19 commercial zone, but it's opposite, it's on the other  
20 side of a residential zone.

21                   So you're at the confluence of  
22 residential and -- and non-residential. Obviously  
23 that's a flag from a planning standpoint, then we  
24 take it to the next level and look at a site specific  
25 basis going home by home by home to see what the

1 visual impacts would be and that level of detail has  
2 been done here in my mind to mitigate or alleviate  
3 concerns about the impact of putting a sign on a  
4 commercial site opposite residential zones.

5 CHAIRMAN BROWN: Okay.

6 MR. McDONOUGH: And, Mr. Chairman, I  
7 have done -- I'm going through my memory bank as I'm  
8 here, but just recently in Sayreville we did one  
9 where the commercial zone was very shallow and there  
10 were residential uses behind.

11 So it was right up against the  
12 residential zone.

13 CHAIRMAN BROWN: Did the billboard face  
14 that zone?

15 MR. McDONOUGH: The billboard faced the  
16 highway, but as you started to certainly pan away,  
17 the home line continued, but there were trees and  
18 other mitigating factors that that board found was  
19 appropriate and I'm just giving an example because I  
20 was asked.

21 CHAIRMAN BROWN: Okay. Oh, I'm sorry.  
22 Go ahead, yup.

23 MR. PAPIETRO: Mr. McDonough, do you  
24 have, considering the illumination the sign puts out  
25 and this picture we see here now and the way you've

1 described the angle of the light being controlled,  
2 what about light pollution?

3 Do you have any surveys, reports that  
4 address light pollution when a digital sign brighter  
5 than ambient is there 24/7.

6 MR. D'ARMINIO: Yes, we did.

7 We had that testimony already from  
8 Mr. Durate as to the amount of the sign, the -- the  
9 footcandles over ambient. We had parabolas.

10 We adjusted the parabolas based on the  
11 -- what do you want to -- the Narrowview.

12 So we really had substantial testimony  
13 already on that.

14 So I would really prefer that Mr. -- we  
15 rely on that testimony without -- this seems to be --  
16 this would be out of Mr. -- Mr. McDonough's area.

17 MR. PAPIETRO: Very well.

18 At a previous meeting, Mr. McDonough, I  
19 asked if you had any photographs, among all the ones  
20 that you gave us, that were actually evening or  
21 nighttime when there was little or no ambient light  
22 and in the wintertime when there is no foliage, that  
23 would give the board some perspective of how the  
24 illumination would be with virtually unrestricted  
25 conditions and just the brightness of the light.

1                   Do you have any of those photographs or  
2 any samples to give us with indication what might be  
3 an evening illumination condition?

4                   MR. McDONOUGH: During the course of my  
5 visits to the site, I have been there in the evening  
6 and there certainly are light influences.

7                   You've got the lights going over the  
8 pedestrian bridge. You've got lights along the  
9 highway. You've got the sign. You've got the  
10 buildings.

11                  I tend not to take nighttime photos.  
12 Perhaps my camera, I don't know, it gets skewed where  
13 all the lights start to create a glare effect, so I  
14 -- I generally don't take the pictures at night.

15                  MR. D'ARMINIO: Okay. And just --

16                  MR. PAPIETRO: So you --

17                  MR. D'ARMINIO: I'm sorry.

18                  MR. PAPIETRO: -- do not have any?

19                  MR. McDONOUGH: I don't.

20                  MR. PAPIETRO: Okay.

21                  Thank you.

22                  MR. D'ARMINIO: But for the record, the  
23 reason what we've been relying on is you asked for a  
24 picture of the Maywood sign at night, so we did  
25 provide that. That was 12, A-12A and -B.

1                   And in terms of the surrounding area,  
2 we thought that anybody can just go -- knows that  
3 area, knows the highway aspects of it and at night  
4 that what would we show, but just to build the -- the  
5 buildings at night, which you know.

6                   So our indication was to refer you back  
7 to what a sign would look like at night and that's --  
8 we actually -- you asked for that and we did give  
9 you, which is the sign of a similar height, same size  
10 off the highway, same size and same illumination and  
11 that is A-12A and -B.

12                   CHAIRMAN BROWN: Thank you.

13                   Board members, have any additional --

14                   MS. RUHL: Can I ask a quick question?

15                   CHAIRMAN BROWN: Sure.

16                   MS. RUHL: Is there anywhere on

17 17 South that does not touch a residential

18 neighborhood?

19                   MR. McDONOUGH: I -- I don't know the

20 answer, but, again, I'm just -- in Ridgewood or...

21                   MS. RUHL: Along -- yes, let's just  
22 start with Ridgewood, that would not influence or be  
23 within the 200 of a residential --

24                   MR. McDONOUGH: I would have to go back  
25 and -- and look at my notes, but I believe it's all

1 residential along that side of 17, the opposite side  
2 of 17.

3 MS. RUHL: Yeah.

4 So I was saying on the south side.

5 MR. McDONOUGH: Yes.

6 MS. RUHL: So if you moved it down  
7 200 meters, you would still hit residential. You  
8 moved it up 200 meters, you would still -- that's --  
9 so along that whole strip in Ridgewood on 17 South,  
10 you would hit residential?

11 MR. McDONOUGH: The answer is yes.  
12 Residential zones, yes.

13 MS. RUHL: You're 100 percent certain  
14 or just give me the answer when you're 100 percent  
15 certain.

16 I just -- I just don't want to be,  
17 like, yeah, I think so and then...

18 MR. McDONOUGH: I thought I testified  
19 to that, but I'll -- I'll go back and check.

20 MS. RUHL: Yeah.

21 I know the hard part with these  
22 meetings is we have them and then two months later  
23 we're supposed to remember everything from two months  
24 ago.

25 MR. McDONOUGH: I'm looking at the zone

1 map now.

2 It is all residential on the opposite  
3 side of the highway, on the opposite side of 17 --

4 MS. RUHL: Okay.

5 THE WITNESS: -- it's all residential.

6 MR. D'ARMINIO: And that's looking at  
7 A-28. We had marked that.

8 MS. RUHL: Okay.

9 Thank you.

10 CHAIRMAN BROWN: Thank you.

11 Just so the public knows, there are two  
12 exhibit books over on the table over there.

13 So any exhibits that we might be  
14 talking about that the applicant has given to us,  
15 they're sitting in those two books over there.

16 Board members have any additional --

17 MR. NEGRYCZ: Yes, I do.

18 CHAIRMAN BROWN: Yup, go ahead, Gary.

19 MR. NEGRYCZ: You mentioned earlier  
20 that you started working on this project some time in  
21 2020?

22 MR. McDONOUGH: I believe so, yes, it's  
23 been multiple years.

24 May have been 2021, I'd have to go back  
25 and look at my photographs, but it's been multiple

1 years over multiple seasons.

2 MR. NEGRYCZ: Then the question may be  
3 not for you, but for your partner there who's  
4 studying.

5 MR. D'ARMINIO: Oh, excuse me, I'm  
6 sorry. I'm looking at pictures.

7 MR. NEGRYCZ: How long have you been or  
8 your firm been involved in this particular project?

9 MR. D'ARMINIO: I'm not the --

10 MR. NEGRYCZ: Just the start date.

11 MR. D'ARMINIO: I shouldn't testify,  
12 but I'm just trying to remember.

13 MR. NEGRYCZ: It's just a simple  
14 question, correct?

15 MR. D'ARMINIO: It's just been a long--  
16 a long time, I don't know when we -- I don't know  
17 when we were first approached. I just don't  
18 remember.

19 It probably would be about -- usually  
20 get approached first, it probably would be about  
21 2020, I would think, but I know our first hearing was  
22 in 2022 too.

23 MR. NEGRYCZ: Okay.

24 CHAIRMAN BROWN: Okay. Board members  
25 have any additional questions?

1 MR. NEGRYCZ: When in the 2022, you got  
2 a month?

3 MR. D'ARMINIO: In March.

4 MR. NEGRYCZ: March?

5 MR. D'ARMINIO: Yes, March 22nd, I  
6 think.

7 VICE CHAIRMAN BANDELT: March 22nd.

8 CHAIRMAN BROWN: March 22nd, Gary.

9 MR. NEGRYCZ: Thank you.

10 CHAIRMAN BROWN: I'm going to go to our  
11 professionals.

12 MR. Whitaker? Mr. Barree?

13 MR. WHITAKER: I'm going to focus on  
14 two aspects of this application.

15 Focusing first on the word  
16 "suitability," were you engaged by the applicant  
17 before this location was selected and put, so to  
18 speak, under contract.

19 MR. McDONOUGH: No.

20 MR. WHITAKER: So it would be correct  
21 to say that you were engaged to determine the  
22 suitability of this property at the time the  
23 applicant had an ability to put a billboard on this  
24 site?

25 MR. McDONOUGH: I was engaged at the

1 time, I'm usually engaged, which is after the site  
2 has been selected by the applicant.

3 MR. WHITAKER: So you're not engaged by  
4 an applicant to say that they would like to put a  
5 billboard in a certain vicinity in a municipality and  
6 to evaluate various sites before a site is actually  
7 selected?

8 MR. McDONOUGH: That is not typically  
9 how I'm engaged, no.

10 MR. WHITAKER: But although you may not  
11 be engaged that way, from a planning perspective, if  
12 you had the ability to have a client like Outdoor  
13 Media [sic] to engage you to say we'd like to get a  
14 location in this particular area, part of your  
15 planning background and work would be for the  
16 purposes of selecting the best site from a  
17 suitability aspect along the corridor of a highway,  
18 correct?

19 MR. McDONOUGH: Correct.

20 MR. WHITAKER: But in this instance,  
21 you were never engaged by the applicant to do that?

22 MR. McDONOUGH: Not before the site was  
23 selected, correct.

24 MR. WHITAKER: So on the basis of that,  
25 you don't have any ability to talk in terms of this

1 particular property being more suitable or less  
2 suitable than other properties along the corridor in  
3 Ridgewood?

4 MR. D'ARMINIO: Just an objection.  
5 That's not the standard. You don't have to get the  
6 most -- under the Municipal Land Use Law and the case  
7 law, you don't have to get the most suitable site,  
8 it's just --

9 MR. WHITAKER: I recognize that, but  
10 the word --

11 MR. D'ARMINIO: I just wanted to make  
12 sure that it's on the record.

13 MR. WHITAKER: -- "suitability" has come  
14 up. We're talking about suitability.

15 The board can certainly evaluate the  
16 suitability, because the board members have already  
17 raised concerns about its location and its proximity  
18 to residential.

19 So I'm just trying to get the  
20 background, the basis, if you will, for how you  
21 evaluated this site.

22 MR. McDONOUGH: I --

23 MR. WHITAKER: So you evaluated it  
24 based upon the applicant already having this  
25 particular property selected?

1                   MR. McDONOUGH: That was part of the  
2 analysis for sure.

3                   There are multiple layers to the  
4 analysis and we've talked about are physical planning  
5 aspect that goes into it. One thing we don't  
6 consider is availability of alternate sites because  
7 the case law is pretty clear that that's not a  
8 criteria for a use variance.

9                   So we did not explore other sites. We  
10 only focused on whether this site was appropriate  
11 from a physical planning standpoint and for all of  
12 the reasons I've given, we -- we found that it was.

13                   MR. WHITAKER: I'm going to move onto  
14 the second aspect of the application that pertains to  
15 height.

16                   Now, you've testified that you've done  
17 multiple applications for billboards such as this?

18                   MR. McDONOUGH: Yes.

19                   MR. WHITAKER: Am I correct in saying  
20 that the DOT does not have any standard for what the  
21 height requirement is, correct?

22                   MR. McDONOUGH: Correct.

23                   MR. WHITAKER: And am I also correct in  
24 saying that you have done applications, perhaps, for  
25 a use variance where height was not a concern, that

1 you met the requirements of the ordinance.

2 MR. McDONOUGH: That's rare, but the  
3 answer would be yes.

4 MR. WHITAKER: So from a planning  
5 perspective, if it was determined that from  
6 visibility, the sign could be lower than what the  
7 applicant says they need, from a planning  
8 perspective, would a lower height on a billboard be  
9 better than a higher height?

10 MR. McDONOUGH: I'm not sure can -- I'm  
11 not sure I followed the question.

12 Can you just say that again?

13 MR. WHITAKER: The applicant states  
14 that their need is for it to be 40 feet.

15 MR. McDONOUGH: Yes.

16 MR. WHITAKER: If it is found, you  
17 heard some of the questions asked this evening, that  
18 from a visibility aspect, the billboard could be  
19 lower than 40 feet, from a planning perspective,  
20 would you recommend a lower billboard.

21 MR. McDONOUGH: If the applicant found  
22 that the sign could still effectuate its purpose to  
23 meet the applicant's needs --

24 MR. WHITAKER: Well, I don't think it's  
25 the applicant that would have to find that. I would

1 think it would be whatever the testimony is that both  
2 sides give us to determine what the best visibility  
3 is. The board makes the determination.

4 MR. D'ARMINIO: Yes, the board has to  
5 make the final determination --

6 MR. WHITAKER: Thank you.

7 MR. D'ARMINIO: -- right.

8 MR. McDONOUGH: Yes.

9 My opinion based on the surrounding  
10 land use context, the fact that we do have that frame  
11 of trees around this site, not the least of which is  
12 the cemetery where we do have trees that rise up  
13 certainly much higher than 40 feet, this is not going  
14 to be the dominant feature in terms of, I'll say,  
15 piercing a skyline. There are other objects that  
16 form the natural skyline in the area.

17 So this is within that context, that  
18 40 feet.

19 MR. WHITAKER: But it's not my  
20 question.

21 From a planning perspective, if we can  
22 show that the visibility for the content on the sign  
23 is basically the same whether the sign is, let's say,  
24 30 feet or 40 feet, from a planning perspective,  
25 would you recommend the 30 or the 40?

1                   MR. McDONOUGH: I can say from a  
2 planning standpoint, if 35 feet achieved the  
3 visibility -- achieved visibility to effectuate the  
4 purpose, it's pure analytics. It moves the site more  
5 into conformance with the zoning ordinance.

6                   MR. WHITAKER: And if you can eliminate  
7 a use variance in any land use application, that's a  
8 positive element, is it not?

9                   MR. McDONOUGH: Eliminate or minimize  
10 or mitigate, yes.

11                   MR. WHITAKER: Thank you.

12                   That's all I have, Mr. Chairman.

13                   CHAIRMAN BROWN: Mr. Barree?

14                   MR. BARREE: Good evening,  
15 Mr. McDonough, how are you?

16                   MR. McDONOUGH: Very well. Thanks.

17                   MR. BARREE: Good to see you.

18                   MR. McDONOUGH: Likewise.

19                   MR. BARREE: Revisiting your testimony  
20 from last time, could you elaborate, perhaps, on how  
21 you feel this application advances Purpose I of the  
22 Municipal Land Use Law, which is basically to promote  
23 a desirable, visual environment?

24                   MR. McDONOUGH: Sure.

25                   This is a highway commercial area.

1 It's a commercial highway and -- and surrounded by  
2 highway commercial uses. It is an area that has  
3 transformed with new development. We've seen  
4 redevelopment right down the street with the Shell  
5 and the 7-Eleven. That's progressive. That is a  
6 reflection of the community as being progressive and  
7 promoting new growth.

8 I think this sign would be consistent  
9 with that positive transformation of the area and  
10 display the community as being progressive and using  
11 the latest state-of-the-art technology to communicate  
12 with people.

13 So in that regard, I think aesthetics  
14 are advanced here by virtue of the fact that it will  
15 enhance the image and the identity of the community  
16 as progressive.

17 MR. BARREE: So from a planning  
18 standpoint, you feel that the site will be more  
19 attractive with the sign than it would be without?

20 MR. McDONOUGH: Yes, I think the sign  
21 integrates very well to the surrounding context.  
22 It's not higher than the vegetation and is imbedded  
23 within the framework that's around it.

24 MR. BARREE: Okay.

25 As far as we talked a little bit and

1 Matt asked about distance between signs under the  
2 state permit requirements and 3,000 feet was  
3 mentioned. Is that -- does that apply to static  
4 billboards, as well as digital billboards?

5 MR. McDONOUGH: No, it's a good point  
6 and certainly not -- the question was asked of me of  
7 digital signs. It's closer for static signs. I'm  
8 trying to remember if it's 300.

9 We don't see a lot of static signs  
10 anymore, so I can't remember what the actual number  
11 is. It might be 1,000.

12 MR. BARREE: If you don't know off the  
13 top of your head.

14 MR. McDONOUGH: It's 300.

15 MR. BARREE: Three-hundred feet, okay.

16 MR. D'ARMINIO: On a limited -- on a  
17 non-limited access highway --

18 MR. BARREE: Correct.

19 MR. D'ARMINIO: -- it's 300.

20 On an interstate or a limited access  
21 highway, other limited access highway, it's 1,000.

22 MR. BARREE: For Route 17, what is it?

23 MR. D'ARMINIO: On this side of 17, I  
24 think it's a non-limited, because you would have cars  
25 going in and out of it.

1 MR. BARREE: Right.

2 MR. D'ARMINIO: Perhaps, across the way  
3 for part of it at least, it might be limited. I  
4 don't know how the DOT would decide that actually.

5 MR. BARREE: Okay. So it may very well  
6 be --

7 MR. D'ARMINIO: They look at the site,  
8 I do know they look at site and they look at the  
9 area.

10 So I don't know across the street,  
11 because there is some access there, but on this side  
12 there is -- there is access, so it's non-limited. I  
13 would think it's 300.

14 MR. BARREE: Okay. Thank you.

15 That's all I have for now.

16 Thanks.

17 CHAIRMAN BROWN: Thank you.

18 Okay. No further questions from us.

19 Thank you.

20 MR. D'ARMINIO: Any more professional  
21 questions?

22 That's it?

23 CHAIRMAN BROWN: Any more of our  
24 professionals have any questions?

25 (No response.)

1 MR. D'ARMINIO: No?

2 Okay.

3 CHAIRMAN BROWN: No, then we're good.

4 MR. D'ARMINIO: I just --

5 CHAIRMAN BROWN: Thank you.

6 Do you want --

7 MR. D'ARMINIO: Can we just take a  
8 short --

9 CHAIRMAN BROWN: Yeah, let's take a  
10 short break. We'll take five minutes and then we'll  
11 be back at 8:45.

12 Thank you.

13 (Whereupon, a brief recess is held.)

14 CHAIRMAN BROWN: Jane, can I have roll  
15 call again just as we're going back on the record,  
16 please?

17 Thank you.

18 MS. WONDERGEM: Greg Brown?

19 CHAIRMAN BROWN: Here.

20 MS. WONDERGEM: Matthew Bandelt?

21 VICE CHAIRMAN BANDELT: Here.

22 MS. WONDERGEM: Gary Negrycz?

23 MR. NEGRYCZ: Here.

24 MS. WONDERGEM: Diana Ruhl?

25 MS. RUHL: Here.

1 MS. WONDERGEM: Jonathan Papietro?

2 MR. PAPIETRO: Here.

3 MS. WONDERGEM: Michael Pickholtz?

4 (No response.)

5 MS. WONDERGEM: Jason Curreri?

6 MR. CURRERI: Here.

7 MS. WONDERGEM: Harold Maxwell?

8 MR. MAXWELL: Here.

9 MS. WONDERGEM: Jamie Fox?

10 (No response.)

11 CHAIRMAN BROWN: Okay. Thank you very  
12 much, Jane.

13 MR. D'ARMINIO: I'd like to call  
14 Mr. Brett Skapinetz. He's been previously sworn and  
15 previously accepted as an expert engineering witness.

16 CHAIRMAN BROWN: Okay.

17 MR. D'ARMINIO: Unless the board has  
18 any questions, we can start.

19 B R E T T S K A P I N E T Z, PE

20 245 Main Street, Suite 110, Chester, New Jersey  
21 07930, having been previously sworn, continues to  
22 testify as follows:

23 MR. WHITAKER: You've been sworn in.

24 It's my understanding he has an exhibit  
25 to verify and testify to, correct?

1 MR. SKAPINETZ: Yes.

2 MR. WHITAKER: Please proceed.

3 DIRECT EXAMINATION

4 BY MR. D'ARMINIO:

5 Q. Just the context is that Outfront had  
6 offered to -- to provide a better barrier along the  
7 Schedler property and you were engaged to develop  
8 that and can you just go about the steps that -- how  
9 you did that and what your findings were and the  
10 exhibits you assisted in preparing accordingly?

11 A. Yes.

12 We were asked to take a look at the --  
13 I'm going to call it the north side of Route 17,  
14 which has an existing berm that's along it right now,  
15 planted with a double row of trees and we were asked  
16 to take a look at it to see what we can do to  
17 supplement and add in additional plantings to help  
18 provide a more solid screen from those properties on  
19 that north side of the highway looking towards this  
20 property to the south and the billboard itself.

21 So we did two things. We went out and  
22 took a look, did a survey of that side to identify  
23 the height of the berm, locate the plantings on it so  
24 that we could accurately provide a planting exhibit  
25 that I'll show you in a moment to show what we could

1 do to supplement that area.

2 We also did use a couple of  
3 photographs. It was sort of a team effort between  
4 Mr. McDonough, Outfront, our office, as well as  
5 Outfront's simulation expert, Liam Tomlinson  
6 (phonetic) who provided some earlier exhibits that we  
7 presented earlier in testimony to come up with the  
8 plans.

9 So the exhibit that you have up on the  
10 screen right now is actually from -- it's Photograph  
11 No. 15 from Exhibit A-26. This is Mr. McDonough's  
12 photograph, which was taken on 9/11 of '23, that  
13 basically --

14 Q. That's not -- that's not Exhibit 15.

15 A. Oh, no --

16 Q. That's not 15?

17 A. It was utilizing the photographs.

18 Q. Utilizing --

19 A. Which we used that photograph to --

20 Q. I'm sorry.

21 A. -- prepare, and I'm sorry, yes, the  
22 other exhibit, if we can have that -- yup.

23 So this background photograph shows the  
24 existing condition of the property, if you were  
25 standing on Block 4604, Lot 9, that's --

1 Q. Let's -- let's mark that exhibit.

2 A. That is the Schedler property.

3 MR. D'ARMINIO: Okay. Let's -- the  
4 next exhibit is 29, I believe, Mr. Whitaker --

5 MR. WHITAKER: I have it, give me one  
6 moment.

7 MR. D'ARMINIO: -- and we'll make this  
8 29A.

9 MR. WHITAKER: I have the last exhibit  
10 as A-27.

11 MR. D'ARMINIO: Oh, no, we had 28 --

12 MR. WHITAKER: Jane.

13 MR. D'ARMINIO: -- which was -- which  
14 was the zoning was marked.

15 MR. WHITAKER: I'm sorry, you're right.  
16 So this is A-29.

17 MR. D'ARMINIO: Okay. And we'll mark  
18 -- we'll make this a two simulation exhibit, A-29A  
19 and then the next one we'll do -B when we get to  
20 that.

21 (Whereupon, Photograph is received and  
22 marked as Exhibit A-29A for identification.)

23 BY MR. D'ARMINIO:

24 Q. Okay. I'm sorry.

25 A. No problem.

1           Q.       So the basis for this is Number 15 of  
2 Mr. McDonough's presentation?

3           A.       That is correct.

4                    So we took that photograph, again,  
5 Number 15, and we modified it to illustrate just some  
6 dimensions that we got from our survey.

7                    So this would be heights of the trees  
8 that are along the top of that berm that are roughly  
9 5 feet. We identified the berm height, itself, at  
10 7 feet.

11                   We also note some additional elevations  
12 of -- in the direction, particularly in the direction  
13 looking towards where the billboard would be located  
14 and that has been superimposed as well into this plan  
15 and we call out as the proposed sign.

16                   So this shows the billboard off in the  
17 distance and how it is impacted by the current  
18 situation of the berm and trees.

19                   We then in moving to the next exhibit  
20 --

21           Q.       Before that, we show that as a  
22 nonvisual of the face and --

23           A.       Right.

24           Q.       -- how is that determined, can you just  
25 --

1           A.       Yeah, we did that, because -- yeah, so  
2 there is no image shown on that. It's shown as black  
3 because that -- this photograph is taken within the  
4 Narrowview corridor.

5                    So as explained in earlier testimony  
6 where you would move to the side of the sign and the  
7 image would fade to black, we're in that area where  
8 it's in black, you would not see the image. So  
9 that's why it is shown with a blank face.

10                   And another point of reference is just  
11 to note that we are about 700 feet from the sign at  
12 this photo location.

13           Q.       That's previously been testified to,  
14 that was Exhibit A-20, the Narrowview plan that you  
15 guys wanted both sides and you wanted the revised  
16 shading in that plan.

17           A.       It's also, you can see the other  
18 features that are in the background on this photo.

19                    To the right of the sign is the Exxon  
20 ID sign. You can see the Exxon canopy and other  
21 structures, such as the cell tower, obviously, and a  
22 couple of buildings to the -- to the right and left  
23 of those -- of the Exxon features.

24           Q.       And you used some of those features to  
25 figure out the various contours?

1           A.       Yeah, between -- yeah, to figure out --  
2       so what we did is, again, to note where that sign is  
3       located, we used the surveys that we have prepared,  
4       GoogleEarth aerials, and we actually triangulated  
5       between those areas to show the sign where it's in  
6       this image.

7                        So the next exhibit --

8           Q.       Okay. Do you have --

9           A.       -- using the same background photo.

10          Q.       Just we're going to mark this 29B and  
11       while I'm passing this out, can you indicate what it  
12       depicts?

13                       (Whereupon, Photograph is received and  
14       marked as Exhibit A-29B for identification.)

15          THE WITNESS: So this is the same exact  
16       photo, again, Number 15 of Mr. McDonough's A-26 or  
17       Exhibit A-26 packet.

18                       The same exact reference point, same  
19       distance. All we've done is now change the rendering  
20       to now depict the added landscaping we would propose  
21       to enhance that berm along the north side of the  
22       highway.

23                       So what was done --

24                       (Audience Outburst.)

25          MR. D'ARMINIO: Why don't we stop for a

1 moment so that the public can see this a little bit  
2 better, if that's okay?

3 CHAIRMAN BROWN: Yeah, sure.

4 THE WITNESS: No problem.

5 (Brief Pause.)

6 MR. D'ARMINIO: Is that okay,  
7 Mr. Chairman, we're going to start again?

8 CHAIRMAN BROWN: All right. Thank you.

9 THE WITNESS: So to continue, this is  
10 Exhibit -- what did we mark this?

11 MR. D'ARMINIO: It's 29, I marked this  
12 29B.

13 THE WITNESS: So, again, 29B, to  
14 continue with my testimony with this exhibit, we have  
15 in this plan or in this exhibit added in additional  
16 trees or evergreens along the top of the berm.

17 When we did our survey, which I'll talk  
18 to you in a moment, we were able to provide and show  
19 the spacing of the existing trees that are already on  
20 top of the berm. They're roughly 15 feet or so  
21 apart.

22 So the trees -- the evergreen trees  
23 that you see added into this plan, whereas the  
24 existing trees are 5 feet, we're proposing 10- to  
25 12-foot-high evergreens.

1                   And so they would be at or more than  
2 twice the height of the existing trees that are there  
3 now at planting, and we superimposed their location  
4 and, again, a spacing of 15 feet.

5                   So basically going in between the  
6 existing trees that are already on top of that berm.

7                   We show a total of 54 trees being added  
8 -- we propose a total of 63 trees in total, 54 along  
9 the top of the berm and a supplemental additional  
10 nine trees along the bottom as shown in this view  
11 (indicating).

12                   And, obviously, with the addition of  
13 these trees, you can see the impact where those --  
14 that screen will now really do a really good job at  
15 blocking not only the feature, the billboard from  
16 this view, but also other features that were shown  
17 out there today, the Exxon sign, the canopy and other  
18 buildings are now more screened with respect to the  
19 planting of those trees.

20                   It now provides a more solid buffer as  
21 well, because you have 15 feet between these 5-foot  
22 plantings that out there today. We're now filling  
23 that in, that gap substantially with these larger  
24 trees that only -- that also aids with respect to  
25 road noise that also is happening along the highway.

1 So you're getting a more continual buffer.

2 BY MR. D'ARMINIO:

3 Q. Now, you also show the limits of the  
4 proposed sign, but it's blocked, so how did you --

5 A. So we just utilized using the old  
6 image, we were able to just hold that same image  
7 point and show where the trees are located.

8 So it hasn't changed between the  
9 previous exhibit that would be 29A and 29B.

10 Q. Okay. And so that's outlined in red  
11 and that's an arrow to that --

12 A. That is correct.

13 Q. -- as well?

14 All right. So, okay, let's wait a  
15 second again.

16 A. So I -- I mentioned a couple times now  
17 about a survey and, again, in order to achieve this  
18 exhibit and be able to provide the testimony this  
19 evening showing, you know, with relative accuracy, we  
20 -- beyond what we already have provided to the board,  
21 we did go out and provide additional survey of this  
22 berm area. It was completed on 11/16/2023. And I'll  
23 put it up on the easel in a second as the image goes  
24 up on the screens.

25 MR. D'ARMINIO: Wait a second.

1 I just want to give it out to the  
2 board?

3 MR. WHITAKER: What is the date on that  
4 plan?

5 THE WITNESS: So the exhibit -- this is  
6 an exhibit based off the survey. The survey is dated  
7 11/16/2023.

8 The exhibit, though, with the  
9 background images on top of it was prepared today,  
10 11/28/23.

11 MR. WHITAKER: Can I also have the tree  
12 count again? I didn't hear it.

13 THE WITNESS: Yes, 63 total trees in  
14 the plan with 54 along the top of the berm and nine  
15 along the bottom of the berm.

16 MR. WHITAKER: Thank you.

17 THE WITNESS: And I'll describe that a  
18 little bit further in a moment.

19 MR. D'ARMINIO: And we're marking this  
20 A-30.

21 MR. WHITAKER: A-30.

22 (Whereupon, Survey prepared by Dynamic  
23 Survey entitled, "Right-of-way Survey for  
24 Outfront Media" preparation date 11/16/2023 is  
25 received and marked as Exhibit A-30 for

1 identification.)

2 THE WITNESS: So Exhibit A-30, I'll  
3 repeat it once again, survey prepared by Dynamic  
4 Survey entitled, "Right-of-way Survey for Outfront  
5 Media" with a preparation date of 11/16/2023.

6 Route 17 runs along the bottom of the  
7 page. The proposed billboard is located right about  
8 where my pen is pointing (indicating).

9 We didn't have -- we don't have it  
10 shown on the survey. It was part of another survey  
11 in the site plan set, but we do show then above -- so  
12 continuing with the survey, we show on the north side  
13 of 17, this is the berm that is about 7 feet in  
14 height from the bottom to its peak (indicating) that  
15 runs approximately 850 feet was surveyed from Tax  
16 Lot 15 to the -- I'm going to call it to the west.

17 Again, with north to the top. And  
18 running to Lot 11 to the east.

19 That was the extent of our survey where  
20 the Schedler property is Lot 9 in this location here  
21 (indicating).

22 We show the trees on the top of the  
23 berm, as well as running along the bottom of the  
24 berm, along with the other features that are along  
25 that berm area and along the right-of-way.

1                   So what we did is we took that survey  
2 and, again, as I testified, and you can see the  
3 spacing of the trees on top of the berm, we're  
4 showing these new 10- to 12-foot evergreens being  
5 placed in between those trees, which is roughly  
6 15-foot spacing (indicating).

7                   And, again, they're in red and that's a  
8 total of the 54. There are additional nine trees in  
9 green that are located right along the Schedler  
10 property on the easterly end running towards the  
11 middle.

12                   The photograph above on this exhibit,  
13 this shows the aerial view of what we surveyed of  
14 that berm, has a green or highlighted marker in  
15 blue/green that shows the extent to which we're  
16 adding new plantings.

17                   And I will note for purposes of  
18 testimony that the photograph that was taken by  
19 Mr. McDonough was taken approximately where I'm  
20 putting a mark on the photograph, roughly 700 feet  
21 from the billboard as testified to for Exhibits A-29A  
22 and -B.

23                   Q.           Just to clarify, the nine second row of  
24 trees, that's reflect in A-29, isn't it?

25                   A.           That is correct.

1 Q. So it helps position --

2 A. Yeah, they're shown in A-29B.

3 Q. I'm sorry, A-29B.

4 A. Yes, correct. The new plantings on the  
5 bottom.

6 Q. Okay.

7 MR. NEGRYCZ: Let me ask you, unrelated  
8 -- well, related, but unrelated.

9 You're putting all these trees in, the  
10 trees are currently 15 feet apart --

11 THE WITNESS: Yup.

12 MR. NEGRYCZ: -- you're going to  
13 in-fill.

14 So now they're going to be  
15 7-and-a-half feet apart, but the 5-footers are going  
16 to grow and you're going to put 12 in the middle.

17 THE WITNESS: Right.

18 MR. NEGRYCZ: And the berm is 7-feet  
19 high and how wide would you say? Ten feet?

20 THE WITNESS: I'm going to venture  
21 10 feet roughly, yeah.

22 MR. NEGRYCZ: All right.

23 THE WITNESS: Yup.

24 MR. NEGRYCZ: So where does the food  
25 and the root structure go so that those trees don't

1 all die?

2 THE WITNESS: Good question. They're  
3 not going to be -- they're not -- they're going to be  
4 staggered slightly. So they're going to be pushed  
5 off to the end of the -- the new trees will be pushed  
6 off, so that they're slightly towards the edge of the  
7 berm, so we created a little more separation for the  
8 root system.

9 MR. NEGRYCZ: I'm just concerned,  
10 you're going to go through all this trouble and then,  
11 you know, five years from now somebody is going to  
12 come back here and say the trees all died, fix it.

13 THE WITNESS: Right.

14 Well, they're -- with anything, I  
15 expect there to be a maintenance guarantee with these  
16 trees, which typically is two years. I know there's  
17 irrigation also within this area as well for those  
18 trees, which will help aid them in the growth and the  
19 other issue too is we're not dealing with -- we're  
20 dealing with trees that already pretty mature at the  
21 10, 12 feet in height.

22 So my expectation is between -- for all  
23 of these items being put in place, we have a really  
24 good --

25 MR. NEGRYCZ: It depends on whether or

1 not they cut the root off or go all the way down to  
2 get to the --

3 THE WITNESS: Well, again, for those  
4 reasons, we have a pretty good reason to believe that  
5 those trees are going to survive and thrive pretty  
6 well on that berm.

7 CHAIRMAN BROWN: Mr. D'Arminio, any  
8 additional --

9 MR. D'ARMINIO: Yes?

10 CHAIRMAN BROWN: I'm sorry, I don't  
11 mean to cut you off, I apologize.

12 MR. D'ARMINIO: Let me --

13 CHAIRMAN BROWN: You're good.

14 BY MR. D'ARMINIO:

15 Q. Mr. Skapinetz, do you have anything  
16 additional to say?

17 A. No, I don't.

18 CHAIRMAN BROWN: Okay. Thank you.

19 MR. Standriff?

20 MR. STANDRIFF: Yes, sir.

21 Thank you.

22 Ms. Wondergem, could you put up A-29A  
23 and if you are able to zoom in, sort of, to the  
24 center of the photograph a little bit.

25 CHAIRMAN BROWN: A-29A.

1 MR. STANDRIFF: A-29A.

2 CHAIRMAN BROWN: 29A.

3 Yeah, that one.

4 MR. STANDRIFF: Yes.

5 Are you able to zoom in at all like you  
6 did before or no?

7 Thank you.

8 CROSS EXAMINATION

9 BY MR. STANDRIFF:

10 Q. Mr. Skapinetz, it appears in A-29A, you  
11 can see the canopy of the Exxon station and then to  
12 the right of it, you can see the Exxon sign --

13 A. Yup.

14 Q. -- where they have the gas prices, et  
15 cetera.

16 And then if you continue moving to the  
17 right, you'll eventually see the numbers of my  
18 client's building, the 545, which I believe is in  
19 white below where it says "berm height" plus or minus  
20 7 feet.

21 It does not appear to me that this is  
22 an acute enough angle, but wouldn't the sign, itself,  
23 be to the right of the Exxon sign?

24 A. We -- it would be to the left of the  
25 Exxon sign at that angle in which the photograph was

1 taken.

2 Q. I can see that if maybe you were at the  
3 very, very south end of the Schedler property, but --  
4 but this isn't.

5 I mean, the sign is going to be between  
6 -- it's going to be north of the Exxon sign and  
7 between the Exxon sign and my client's building,  
8 right?

9 A. I can -- all I can say is from this  
10 angle utilizing the data that we have, that sign will  
11 be to the left of the Exxon sign at this -- viewing  
12 it from this location.

13 Q. Mr. Antal testified that the Exxon  
14 sign, again, the sign with the gas prices, was  
15 21 feet in height.

16 So it seems like your representation  
17 here should be at least twice the height of the Exxon  
18 sign, because it's -- the top of it is 40 feet.

19 Are you sure that this is a correct  
20 representation?

21 A. Again, yes.

22 As far as the location, yes. Height, I  
23 didn't, you know, the superimposition looks,  
24 obviously it is higher than the Exxon sign as shown  
25 in here. It's -- but I don't have an exact

1 measurement between those two shown.

2 So, but all I can say is that, again,  
3 placement was done by the simulation Tomlinson  
4 (phonetic). When we reviewed it, we definitely noted  
5 that it would be in this location between that Exxon  
6 at this angle, the Exxon sign, and the Exxon canopy.

7 MR. STANDRIFF: No further questions.

8 CHAIRMAN BROWN: Okay. Thank you.

9 At this time I'm going to open it up to  
10 questions from the public. Again, as a reminder,  
11 this is time for questions from the public. You need  
12 to give us your name and your address for the record  
13 and direct your questions for the witness.

14 Just as a point of clarification, the  
15 questions are related to what this witness has just  
16 testified to and the three exhibits that he has  
17 provided to us.

18 MS. RUANE: Hello.

19 CHAIRMAN BROWN: Good evening.

20 MS. RUANE: Yeah? Can you hear me?

21 All right.

22 Susan Ruane, 705 Kingsbridge Lane.

23 I'm going to ask questions --

24 THE COURT REPORTER: Please spell your  
25 name for the record.

1 MS. RUANE: Yes.

2 CHAIRMAN BROWN: Thank you.

3 MS. RUANE: It's R-U-A-N-E. Okay?

4 And I'm questioning the design that you  
5 just proposed and I do a little graphic design.

6 And I just realized the proportionality  
7 is not on this design.

8 The height of the proposed billboard, I  
9 believe, is taller than the Exxon -- top of the  
10 Exxon, yet it seems to be about the same height here.

11 And also that when you look at the  
12 graphics, of course they put extra trees, but they  
13 also decided not to -- to completely eliminate the  
14 billboard from the second drawing.

15 There should be a little bit of snippet  
16 from that, but there's not. So that means that they  
17 deliberately eliminated the billboard.

18 So, again, I'm not sure if your graphic  
19 design team did a good job or was being accurate with  
20 what they're proposing. That is one comment.

21 I don't know if you want comment to it?

22 MR. D'ARMINIO: Actually this is for  
23 questions.

24 CHAIRMAN BROWN: Yeah.

25 MS. RUANE: If you want to answer the

1 question about it.

2 MR. WHITAKER: Only for questions.

3 MR. D'ARMINIO: This is for questions.

4 MR. WHITAKER: He's testified that --

5 MS. RUANE: Yeah, I'm just asking, can  
6 you answer about why they eliminated the billboard --

7 THE WITNESS: They didn't --

8 MS. RUANE: -- from the graphic, because  
9 it's not there. I can tell.

10 THE WITNESS: They didn't eliminate the  
11 billboard. What they --

12 MS. RUANE: I can tell --

13 THE WITNESS: -- what is happening --

14 MS. RUANE: -- that they didn't --

15 THE WITNESS: What has happened is the  
16 --

17 MS. RUANE: No, no.

18 THE WITNESS: -- is the trees that run  
19 along the top of the berm and because of the angle,  
20 again, in which the berm is running, as the trees go  
21 further away, they actually look to be spaced, the  
22 spacings reduces, it would on this angle --

23 MS. RUANE: I'm looking at it,  
24 graphically --

25 THE WITNESS: -- and then there are

1 trees --

2 MS. RUANE: -- graphically --

3 MR. D'ARMINIO: Can he answer --

4 MS. RUANE: Yeah.

5 MR. WHITAKER: Let him answer the  
6 question.

7 MR. D'ARMINIO: He should be able to  
8 answer the question.

9 THE WITNESS: And then there are also  
10 trees, as I noted, there is trees planted along the  
11 bottom of the berm. Those nine trees are also  
12 influencing and blocking that area from this angle.

13 So that's what's -- between the two --  
14 between the trees on top and the one on the bottom,  
15 it's blocking the sign.

16 MS. RUANE: Okay.

17 Again, the optic here, it does not show  
18 the billboard in any sort of trace and that's  
19 something that it seems to be eliminated.

20 The next question, and this is just  
21 because there's a lot of contention with the  
22 property, I know a lot of the trees have died there  
23 already on the berm.

24 So when someone asked about the trees  
25 and their longevity on the berm, that is something,

1 again, how will -- I mean, the next point I'm going  
2 to make is going to probably mute this point. How  
3 will the company and -- how will the company ensure  
4 that those trees will be sustained?

5 MR. D'ARMINIO: That would be something  
6 for the company to work out, I think, with the  
7 municipality. I mean, right now this is -- it shows  
8 where the trees can go and what we planted, but we  
9 have to still deal with the Village, so I would think  
10 that that would be a topic of discussion, but we've  
11 agreed to plant them, unless the Village wants to  
12 plant them, but to provide them and plant them and  
13 that's the extent at this point and you can see it  
14 really not only -- it really helps the area, not only  
15 the Schedler property, but even we extended it  
16 further to the north because some of the neighbors  
17 were concerned about what's happening with their  
18 properties as well.

19 MS. RUANE: And then this becomes my  
20 next point, is that the Village Council is proposing  
21 to be putting a big field there and there might be --

22 CHAIRMAN BROWN: Sorry.

23 Can you speak a little louder into the  
24 mic, please?

25 MS. RUANE: Yes. The Village Council

1 has proposed or approved to put a sports complex  
2 there or a big field or whatever you want to call it  
3 and I believe some of the berm is coming out towards  
4 the highway. Therefore, your proposal to put those  
5 trees now becomes mute [sic].

6 CHAIRMAN BROWN: We need a question  
7 there.

8 MR. D'ARMINIO: Yes.

9 MS. RUANE: No, I'm just saying --

10 CHAIRMAN BROWN: Yes, could you restate  
11 it as a question?

12 MR. D'ARMINIO: Can you re --

13 MS. RUANE: I'll reframe it.

14 What is your proposal if they take out  
15 the berm?

16 CHAIRMAN BROWN: Thank you.

17 MR. D'ARMINIO: We've committed to 54  
18 trees and nine trees to be double rowed.

19 If the municipality wants to use it a  
20 different way, the trees a different way, we would be  
21 happy with that, but we want to make sure that it's  
22 related to at least protecting the view or the  
23 concerns that the board -- we wanted to meet the  
24 concerns of the -- our neighbors and the concerns  
25 about the Schedler property, so we would want to have

1 at least a minimum concentration of whatever they  
2 design that would take care of Route 17 and make sure  
3 that the sign, even in its state of being, not even  
4 having a face, an actual digital face on it, would be  
5 -- would be blocked. That would be our goal.

6 CHAIRMAN BROWN: Okay.

7 Thank you.

8 MS. RUANE: All right. That was it.

9 Thank you.

10 CHAIRMAN BROWN: Thank you.

11 MS. O'KEEFE: Cynthia O'Keefe,  
12 O--'-K-E-E-F-E, 542 West Saddle River Road.

13 I just have a few questions.

14 When you started your testimony this  
15 evening, you said, we were asked to look at the  
16 Schedler property. By whom?

17 MR. D'ARMINIO: We made the offer.

18 MS. O'KEEFE: I'm sorry.

19 MR. D'ARMINIO: I had clarified that  
20 from the beginning.

21 MS. O'KEEFE: Right. I didn't hear  
22 you.

23 MR. D'ARMINIO: That it ws going to be  
24 -- oh, I'm sorry. That we had -- we had said that we  
25 were willing, in light of the comments of the

1 neighbors, to provide some additional buffering to  
2 the Schedler property.

3 That was the topic of discussion at the  
4 last meeting --

5 MS. O'KEEFE: Uh-huh.

6 MR. D'ARMINIO: -- Mr. Whitaker weighed  
7 in as well, and so we provided this plan.

8 The thought was that the board wanted  
9 to see that, what that meant, and also I'm sure the  
10 extent of commitment and this is what we tried to do  
11 to do that.

12 But clearly we'd have to come back to  
13 the city to make sure it integrates with whatever  
14 they do, but this is the plan that we would like to  
15 put forward.

16 MS. O'KEEFE: Okay.

17 You also mentioned that there was a  
18 survey done on the property. There was a gentlemen  
19 on the property on, I believe it was November 9th  
20 called Dunn Surveying.

21 Was this the person that you used, the  
22 company that you used or did you -- who paid for it?  
23 Who contracted this -- this surveyor? The neighbors  
24 in the Schedler community keep a close -- very close  
25 tabs on the property, so anybody that's over there is

1 usually -- you know, they're being monitored to see  
2 what the activity is.

3 THE WITNESS: Again, to clarify, the  
4 survey was done by Dynamic Survey.

5 MS. O'KEEFE: Dynamic Survey?

6 THE WITNESS: Yeah.

7 MS. O'KEEFE: And your company paid for  
8 that?

9 MR. D'ARMINIO: That is their company.

10 MS. O'KEEFE: Oh, that's your company.

11 MR. D'ARMINIO: Yes, that is their  
12 company.

13 MS. O'KEEFE: Okay.

14 MR. D'ARMINIO: Yes.

15 MS. O'KEEFE: And then in terms of the  
16 footage, all the photos that were taken, was  
17 permission granted for you or Mr. McDonough to enter  
18 the Schedler property to take any of the footage, any  
19 of the drone footage or the photographs?

20 Because we know that recently the  
21 NJ DEP entered the Schedler property without proper  
22 permission and a tree designation was rescinded by  
23 the Village as a result of not getting  
24 right-of-access permission.

25 So were you given right-of-access

1 permission either in writing or verbally or by an  
2 e-mail by the Village of Ridgewood in order to enter  
3 the property and have your surveyor go onto the  
4 property and do this due diligence?

5 THE WITNESS: The survey -- I don't  
6 have knowledge of -- of what was done.

7 Typically, yes, though, went beforehand  
8 to --

9 MS. O'KEEFE: But it's your company,  
10 correct?

11 THE WITNESS: The survey company, yes,  
12 it's under -- yes.

13 And -- but the manager that would have  
14 done it and handled it, typically, again, they're  
15 looking to obtain an okay to be able to go out to the  
16 right -- any right-of-way or any property --

17 MS. O'KEEFE: So, typically, you would  
18 have a --

19 THE WITNESS: Yes.

20 MS. O'KEEFE: -- you would have had to  
21 have asked permission.

22 THE WITNESS: I just don't have  
23 confirmation of that in hand.

24 MS. O'KEEFE: Okay. But if you needed  
25 to produce that, you could.

1 MR. D'ARMINIO: Objection.

2 In terms of -- this will go on for a  
3 while.

4 In terms of whether we had permission  
5 or didn't have permission, I mean, that's separate  
6 from what we're dealing with here.

7 But in terms of the survey that was  
8 done, it's a certified survey by Dynamic. And I  
9 think that's the issue before the board.

10 MS. O'KEEFE: Okay. Well, I mean, if  
11 I'm having my property surveyed, then I give them  
12 permission to come onto the property.

13 I'm just asking if the Village was  
14 given -- if you were, you know, requesting permission  
15 and if they granted it to you and then the survey was  
16 conducted. That's -- we can OPRA those documents,  
17 that's fine.

18 And last, but not least, it was  
19 mentioned that Linda Marticek is here tonight. Her  
20 property was deemed, you know, abandoned in prior --  
21 I think it was the last session.

22 So when you talk about putting trees on  
23 the berm at the Schedler property and not only Linda  
24 Marticek's property, but also the property next door,  
25 the 552 Route 17 North, those properties are zoned

1 for affordable housing, I believe. I don't know the  
2 number and the -- maybe it's AB-3 or something.

3 So when the configuration of those  
4 properties change, there's no buffer. Right now  
5 there may be a buffer.

6 MR. D'ARMINIO: Objection. This has  
7 nothing to do with the testimony of this witness.

8 MS. O'KEEFE: But you're talking about  
9 providing a buffer on the Schedler property and those  
10 two are the two contiguous properties right next  
11 door.

12 MR. WHITAKER: But the -- the questions  
13 that are being asked now is only on the direct  
14 testimony that Mr. Skapinetz gave and he only talked  
15 about the Schedler property.

16 MS. O'KEEFE: Okay. Well, he also said  
17 neighbors. He just used the word "neighbors" before,  
18 so that's my question is "neighbors."

19 MR. D'ARMINIO: I used that, there's  
20 several of the neighbors -- we had prior testimony  
21 and exhibits that several of the neighbors who have  
22 homes back there had expressed, during the prior  
23 testimony, concerns about the loss of vegetation and  
24 we wanted to address that.

25 That's the reference tonight.

1 MR. WHITAKER: That's all he did.

2 MS. O'KEEFE: Okay.

3 Thank you.

4 CHAIRMAN BROWN: Thank you.

5 MR. WARD: Dave Ward, 552 Route 17.

6 What's your qualifications as far as  
7 planting trees go? Tree planting, the hedge that you  
8 want to put on top of the berm?

9 THE WITNESS: What do you mean -- so --

10 MR. WARD: What was your  
11 qualifications? Have you ever been vetted?

12 THE WITNESS: As a -- as a licensed  
13 civil professional engineer I have testified and  
14 prepared multiple landscaping plans and I'm fairly  
15 aware of spacing requirements, obviously, and the  
16 needs, details in site plan sets that I prepare all  
17 the time and I work in conjunction with our landscape  
18 architect on the same.

19 MR. WARD: Okay. Well, I plant and  
20 take care of trees --

21 THE WITNESS: Okay.

22 MR. WARD: -- that's what my business  
23 is.

24 THE WITNESS: Uh-huh.

25 MR. WARD: What type of trees are you

1 planning on putting up there?

2 THE WITNESS: We actually didn't  
3 specify those yet, because, again, not quite sure  
4 what exactly the township, you know, is going to say  
5 here with respect to their agreement or disagreement  
6 in the layout of this plan. We -- we are open to  
7 re-working and tweaking things if it requires the  
8 relocation of some of those 5-foot trees that are  
9 there already to ensure that we get these higher  
10 trees in place.

11 We're willing to work with the town or  
12 the Village to be able to do that. So there's  
13 flexibility there and Mr. D'Arminio has even noted  
14 that on a couple of occasions as well, so...

15 MR. WARD: Well, there's probably two  
16 types of trees you can be planting there. One would  
17 be the Green Giant or Norway Spruce. Green Giants  
18 need to be planted about 6 feet apart, which would  
19 mean you'd need at least three or four times as many  
20 as you're proposing.

21 MR. D'ARMINIO: That's testimony, I  
22 mean that's -- and I would appreciate that that's  
23 good testimony, but this is for questions.

24 MR. WHITAKER: I'm going to make a  
25 suggestion.

1           The applicant has made an offer, if the  
2 Village would consider and approve, not us, because  
3 this is not within our jurisdiction. "Not by us," I  
4 mean the zoning board.

5           Between now and our next meeting, we  
6 should determine by having the applicant go to the  
7 Village Council and determine if this is something  
8 that they would permit.

9           Otherwise, we're going down a road that  
10 leads to nowhere. And the board -- comes a time to  
11 make a decision on this application, they can't  
12 consider what the applicant is offering unless the  
13 Village Council determines that it's something that's  
14 acceptable.

15           And even if the Village Council  
16 determines it's acceptable, that in and of itself  
17 does not mean the board has to approve or disapprove  
18 of it, but at least the board would know if the offer  
19 being made on the table is something that could be  
20 done.

21           And any details pertaining to the  
22 planting, maintenance guarantees that are required  
23 under the Municipal Land Use Law is something that  
24 would have to be done between the applicant and the  
25 Village Council, not this board.

1                   So I think rather than hypothesizing on  
2 what type of plant, spacing, et cetera, respectfully  
3 what you're saying --

4                   MR. WARD: Well, the reason I'm saying  
5 it is because some trees can't --

6                   MR. WHITAKER: -- is to say the Village  
7 Council could say they may not want their offer at  
8 all, then that's -- then that's not something this  
9 board is ever going to consider.

10                  So I think that's an appropriate way  
11 just to help move this along, because we can talk all  
12 night about this, but it's not within our  
13 jurisdiction to accept it.

14                  MR. WARD: Right.

15                  MR. WHITAKER: Okay?

16                  MR. WARD: All right. Can I make one  
17 more point on the trees, though?

18                  MR. D'ARMINIO: Just -- can I just --

19                  MR. WHITAKER: If there's a question.

20                  MR. WARD: The problem with the trees  
21 on top of the berm --

22                  MR. WHITAKER: A question.

23                  MR. WARD: -- the berm, they can fall  
24 over.

25                  MR. D'ARMINIO: Okay.

1                   MR. WHITAKER: Mr. D'Arminio, you would  
2 agree with me? You've made an offer, we understand  
3 what it is. But it's not something the board can  
4 approve or disapprove.

5                   Correct?

6                   MR. D'ARMINIO: That's true that  
7 because it is -- it is off-site, but it's common to  
8 have off-site plantings --

9                   MR. WHITAKER: I'm not suggesting it,  
10 but if the board said that -- hypothetically, if the  
11 board says we're going to approve this application,  
12 hypothetically, because of this berm that's being  
13 offered and the Village Council says we don't want  
14 that berm improved, I'm just saying this  
15 hypothetically, we've gone nowhere.

16                   So I think between now and the next  
17 meeting now that you made the offer, is to see if  
18 it's something that the Village Council accepts, but  
19 by accepting it, it doesn't mean this application is  
20 being approved, it just means that the board has  
21 information they can use in considering the  
22 application.

23                   MR. D'ARMINIO: So long as nor would it  
24 be -- again, this is sample plan.

25                   Nor would it be that they would be

1 approving a specific plan, but they're approving the  
2 concept of expanding the buffer --

3 MR. WHITAKER: Well, that would be done  
4 between the applicant --

5 MR. D'ARMINIO: -- and this is the case.

6 MR. WHITAKER: -- and the Village  
7 Engineer.

8 MR. PIERSA: I just would like to say  
9 that, the Schedler property is the historic site,  
10 meaning that anything that is done has to be approved  
11 by the State Historic Preservation Office and, you  
12 know, that's a whole separate approval process in  
13 itself.

14 MR. D'ARMINIO: That's a good point and  
15 it would be subject to, I guess, their approval of  
16 any plan.

17 MR. WHITAKER: So I don't know where --

18 MR. D'ARMINIO: I mean we're planting  
19 it between a rock and a hard place. We're trying to  
20 do a good thing and I don't know if we can do it.

21 MR. WHITAKER: Mr. D'Arminio --

22 MR. D'ARMINIO: Yes.

23 MR. WHITAKER: -- I understand what  
24 you're offering and you've discussed this before.

25 MR. D'ARMINIO: Yes.

1                   MR. WHITAKER:  And it's not that I'm  
2                   trying to dissuade you from it, but I'm just  
3                   suggesting that between now and the conclusion of our  
4                   hearings, we should get an understanding as to  
5                   whether:  A, the Village Council wants it; and, B,  
6                   whether it's feasible to be done.

7                   That's just -- otherwise we could  
8                   debate this for a few meetings and then determine the  
9                   Village Council doesn't want it in the first place,  
10                  but now you've offered it, it's something the board  
11                  can consider, but they cannot put it into any kind of  
12                  their deliberations, unless they know it's feasible.

13                  MR. D'ARMINIO:  Okay.  Thank you,  
14                  Mr. Whitaker.

15                  I'll take that advice, Mr. Chairman.

16                  CHAIRMAN BROWN:  Thank you.

17                  Any other members of the public have  
18                  questions?

19                  Again, if you can please state your  
20                  name and give us your address for the record.

21                  MS. HONE:  Jacqueline Hone, 30 Carriage  
22                  Lane.

23                  Just to the -- to the point of getting  
24                  clarification, Mr. D'Arminio in September, as  
25                  Mr. Whitaker had said, you had stated in regards to,

1 again, we would have to work with the Borough  
2 Engineer to come up with a plan in regards to these  
3 trees that are being presented today.

4 It's basically a proposal. We would  
5 probably -- and I'm reading directly from the  
6 transcript, September 12, would probably help us to  
7 review those transcripts.

8 So I'm asking, it's been two months  
9 since that date that testimony was given that you  
10 would work with the Borough -- Village Engineer to  
11 come up with a plan.

12 Mr. Whitaker went on to say, if the  
13 board would even consider it, first is the Village  
14 Engineer and their input and a diagram of what is  
15 being proposed.

16 So why -- why wasn't that done?

17 MR. D'ARMINIO: It was, but we were  
18 told that the town is in the process of having its  
19 own plan.

20 We tried to get a copy of the plan. It  
21 would just -- we just had to come up with our own  
22 plan.

23 I mean we did make an approach and it  
24 -- it just didn't work out.

25 But what Mr. Whitaker is saying is

1 different. He's saying to just do the threshold  
2 issue of whether or not they're interested, but right  
3 now, there's -- evidently, and we confirmed this with  
4 Mr. Piersa that -- as well, that there's -- they have  
5 their own plan, we haven't been able to see it.

6           So I just don't know where we are in  
7 that respect, but we can make the commitment that we  
8 would provide an additional buffer. I really don't  
9 see why the town wouldn't accept that or integrate it  
10 within any plan, but given the contacts with the SHPO  
11 and filing of a plan there, we're kind of stymied at  
12 this point to get any specific plan done, but I think  
13 Mr. Whitaker -- to respond to your clarification, but  
14 to Mr. Whitaker's, are they even interested, I think  
15 we can get that done and that -- that we can get  
16 done.

17           MR. PIERSA: The Village does --  
18 engineering division doesn't have a site plan to  
19 share with you.

20           There is one currently being developed,  
21 but there is nothing available to talk about at this  
22 time.

23           MR. D'ARMINIO: That's exactly what we  
24 were told. So that's where we are.

25           MS. HONE: Who --

1 Mr. Whitaker: That's the answer.

2 MS. HONE: May I ask who you asked for  
3 that?

4 MR. D'ARMINIO: Well, Mr. --

5 Mr. Whitaker: You got the answer right  
6 here.

7 MR. D'ARMINIO: -- Piersa, as well.

8 MR. PIERSA: Actually I believe the  
9 question was posed to Christopher Rutishauser, the  
10 Village Engineer.

11 MR. D'ARMINIO: And then we followed up  
12 with Mr. Piersa too.

13 MS. HONE: And when was that?

14 MR. D'ARMINIO: I don't know.

15 MS. HONE: And when --

16 MR. D'ARMINIO: I know instead we came  
17 -- tried to come up with this at least to have a  
18 placeholder.

19 MS. HONE: So did you ask for that --  
20 did you ask to contact the Village Engineer?

21 So the transcripts reflect that the  
22 purpose of approaching the Village of Ridgewood was  
23 to see if they -- it's something they would be  
24 interested in and also -- and I'm asking because I  
25 was the one that brought up the fact that it was a

1 historic site and also if a plan had been presented  
2 to the Village of Ridgewood.

3 So what came first, did you speak to  
4 them about this -- this plan?

5 MR. D'ARMINIO: I object to this.  
6 What's the difference --

7 Mr. Whitaker: I don't think it's  
8 relevant.

9 MR. D'ARMINIO: It doesn't make any  
10 difference, it's not relevant.

11 We tried and this is where we are now.

12 Mr. Whitaker: The timing of things  
13 right now is not relevant to the questions before  
14 this board.

15 The board has seen the applicant  
16 proposed something that we don't know if it's  
17 feasible or not because the applicant eventually  
18 would need permission to do this from someone other  
19 than this board.

20 So that's up to the -- the burden is on  
21 the applicant to do that. We can spend the night  
22 talking about who said what to whom about where we  
23 are status-wise, but it's irrelevant to the question  
24 before the board, so let's move on.

25 MS. HONE: Okay. I would like the

1 expert to tell us, please, when the survey was taken?

2 MR. D'ARMINIO: I think we did. Could  
3 you do it again?

4 MS. HONE: If you could just repeat  
5 that, please?

6 THE WITNESS: Yes, the survey was  
7 prepared on 11/16/2023.

8 MS. HONE: And, I'm sorry, I don't  
9 understand. When you say by "prepared", they were at  
10 the site on 11/16?

11 THE WITNESS: They would have been --  
12 they would have been at the site within two to three  
13 weeks before that date.

14 MS. HONE: Before that.

15 VICE CHAIRMAN BANDELT: Can I point you  
16 to your general notes, Item No. 3, and read that.

17 THE WITNESS: Excuse me?

18 VICE CHAIRMAN BANDELT: Your general  
19 notes on the page Item No. 4 and read that.

20 THE WITNESS: Field work performed by  
21 Dyamic Survey on October 12, 2023.

22 VICE CHAIRMAN BANDELT: Sorry, I was  
23 trying to save time.

24 THE WITNESS: Thank you.

25 Mr. Whitaker: It's on the exhibit.

1 MS. HONE: This one?

2 Oh, okay. So, and I'm sorry, I don't  
3 know your name, the expert.

4 MR. D'ARMINIO: Mr. Skapinetz.

5 THE WITNESS: Brett Skapinetz.

6 MS. HONE: You're aware, you said your  
7 expertise in the site plan approval and all of that.

8 So in this -- in this order, the  
9 survey, if you can just, again, describe the reason  
10 for that survey?

11 THE WITNESS: The reason was to be able  
12 to understand what is on the other side of the road  
13 so we can develop the landscape plan exhibit that  
14 this survey is the background of and been colorized  
15 to illustrate the plantings that we are proposing to  
16 plant and supplement what's out there at this time.

17 MS. HONE: And that was done without  
18 knowing that a plan had been accepted.

19 Is that correct? Your firm just --

20 MR. D'ARMINIO: That was, again -- I  
21 don't know where this is going. We did it because we  
22 had made the offer and we understood the board to  
23 want to see some plan.

24 We did whatever investigation we can  
25 and this is the best we can come up with at this

1 point.

2 Mr. Whitaker: We need to move on. The  
3 applicant couldn't show us this plan unless they had  
4 a survey to demonstrate what they were proposing.

5 MS. HONE: Okay.

6 It was mentioned of the residence north  
7 of the property is -- will the berm extend of that  
8 beyond what we're seeing here.

9 MR. D'ARMINIO: No. I mean, this is  
10 the --

11 Mr. Whitaker: No, the answer is this  
12 is only showing the Schedler property.

13 MR. D'ARMINIO: Yes.

14 MS. HONE: Okay.

15 Will there be a second plan to that  
16 then?

17 MR. D'ARMINIO: I don't know. It just  
18 depends on what -- again, this is continuing to it,  
19 but we have to see what -- Mr. Whitaker's requested  
20 that we contact the Village to see if they're  
21 interested and then what comes with that, we'll see.  
22 I just don't know.

23 MS. HONE: Since the mentioning of the  
24 residence to the north, I understand it's not here  
25 and we don't have it. My question would be: Then is

1 -- is that same approach plan, would it be like a  
2 phase of, like, the private residence and this  
3 Village property?

4 MR. D'ARMINIO: I think we've already  
5 indicated that, no, this is just for this property,  
6 but if there were specific requests with regard to  
7 for the private individuals and the neighbors, we  
8 would consider that.

9 MS. HONE: So in the last meeting, also  
10 the September 12th, there was mention, I personally,  
11 we had talked about the northern side of it and  
12 that's why I'm asking from the north and I believe  
13 one of the board members also brought that up as far  
14 as some type of screening for the billboards, not  
15 just from this property, but also the north side. So  
16 would that also be considered.

17 MR. D'ARMINIO: I think I've asked --  
18 that's been asked and answered, is that we would  
19 consider on a case-by-case basis depending on what  
20 the testimony is and the concerns expressed in the  
21 public portion, but right now we are just -- this is  
22 what we're proposing right now.

23 MS. HONE: So it was brought up on  
24 September 12th that the residence at the Commons of  
25 Ridgewood and specifically me being one of the

1 objectors, 30, and at the time it was understood  
2 that, yes, you would consider, that was what this  
3 testimony would say.

4           So my question, again, is would we --  
5 would those objectors that are already on record, if  
6 you review the transcripts from September, they're  
7 already on record, so would something like what is  
8 being presented right now be presented for that.

9           MR. D'ARMINIO: Again, right now -- I'm  
10 sorry, I don't know the answer right now. I think  
11 I've answered that -- that question. We would  
12 certainly consider it if it meant to mitigate a  
13 specific concern of that objector, but right now this  
14 is what we're proposing that would work for the  
15 Schedler property and Mr. Whitaker has indicated that  
16 we should see if the town's at all interested and I  
17 don't know why they wouldn't be, but I would  
18 understand why the board would want to have that  
19 firmed up, so that's what we're going to do.

20           MS. HONE: Okay. That -- at any point  
21 would we be told if the residence -- when would the  
22 applicant --

23           Mr. Whitaker: Again, let's move on.

24           MS. HONE: When -- when --

25           Mr. Whitaker: He's given the answer

1 that all he's proposing now is what's on the Schedler  
2 property.

3 I would suggest between now and the  
4 next meeting, if there's a private property owner  
5 that would want what the applicant's offering, which  
6 is a proposal to plant or do something on their  
7 property, it's private property, would have nothing  
8 to do with the Village Council, that would be between  
9 the applicant and those private property owners.

10 If something comes to fruition, the  
11 applicant has the ability to show us a plan at a  
12 future meeting.

13 MS. HONE: Can I go on record with you  
14 now and saying that I'd be interested in that? I did  
15 on September 11th. I just want to, again, Jacqueline  
16 Hone, 30 Carriage Lane, I would --

17 Mr. Whitaker: So the applicant can  
18 make that note, it's so noted.

19 MR. D'ARMINIO: Yes.

20 Mr. Whitaker: We can move on.

21 MR. D'ARMINIO: So noted and contact  
22 us.

23 MS. HONE: Thank you.

24 And where's the contact information,  
25 please.

1 MR. D'ARMINIO: It's my office.

2 Mr. Whitaker: Mr. D'Arminio's office,  
3 it's on your notice.

4 MS. HONE: Okay. D'Arminio.

5 Thank you.

6 As far as the -- the trees, will part  
7 of the plan include ongoing maintenance cost? It is  
8 a public property, so I understand it will be  
9 taxpayers.

10 Mr. Whitaker: I've asked and answered  
11 this already and so has he. The Municipal Land Use  
12 Law provides for certain maintenance bonds that are  
13 posted where if landscaping dies after planting, it's  
14 usually a two-year maintenance bond.

15 By virtue of the bond, the applicant  
16 has to replant. If they don't, at that point the  
17 bond covers it and it's done.

18 But, again, that would be as far as the  
19 Schedler property is concerned, a private obligation  
20 between the developer and the Village, not with this  
21 board.

22 MS. HONE: Okay. So there is something  
23 that --

24 Mr. Whitaker: And if there's something  
25 with a private property owner, it would be the

1 negotiation between a private property owner and the  
2 applicant, not this board.

3 MS. HONE: Okay. And they're -- it's  
4 something called the maintenance bond, is that what  
5 you're saying?

6 Mr. Whitaker: It's under the Municipal  
7 Land Use Law.

8 MS. HONE: Okay.

9 Thank you.

10 MR. D'ARMINIO: Yes, 55D.

11 Mr. Whitaker: Section 40:55.

12 MS. HONE: 40:55.

13 MR. D'ARMINIO: 55D.

14 Mr. Whitaker: D.

15 MS. HONE: Thank you.

16 CHAIRMAN BROWN: Thank you.

17 Good evening. If you could, again,  
18 state your name, spell your last name and give us  
19 your address for the record.

20 Thank you.

21 MR. AYNILIAN: Right.

22 Nick Aynilian from 477 Colonial Road.

23 THE COURT REPORTER: Please spell your  
24 last name, please.

25 MR. AYNILIAN: I have two basic

1 questions.

2 CHAIRMAN BROWN: Wait one second, spell  
3 your name.

4 Mr. Whitaker: Spell your name.

5 CHAIRMAN BROWN: Can you just give us  
6 your spelling of your last name so she can --

7 MR. AYNILIAN: Oh, sure.

8 CHAIRMAN BROWN: Our stenographer can  
9 have it correct?

10 Thanks.

11 MR. AYNILIAN: A-Y-N-I-L-I-A-N. I know  
12 it's complicated, it happens.

13 Okay. So I have two basic questions  
14 notwithstanding any potential follow-ups, and also  
15 let me -- hopefully, might add a little humor to this  
16 whole thing.

17 First of all, I'm not what we might  
18 want to call a Schedlerite. I'm not from the  
19 Schedler area, but I know a lot of people from there.

20 So from their vantage point looking at  
21 these -- at this exhibit with the 12-foot trees, I'm  
22 questioning, there was a comment made that the  
23 12-foot trees will substantially block the sign.

24 Well, I don't see that from the photo.  
25 I see --

1                   Mr. Whitaker: It has to be -- it has  
2 to be in the form of a question.

3                   MR. D'ARMINIO: This is not a question.  
4 You need a question.

5                   Mr. Whitaker: We need a question.  
6 This is not testimony.

7                   MR. AYNILIAN: I'm sorry.

8                   Mr. Whitaker: You have to ask a  
9 question.

10                  MR. AYNILIAN: Yes. Well, I'm getting  
11 there.

12                  Mr. Whitaker: This is not the time to  
13 testify.

14                  MR. AYNILIAN: I promise, I promise.

15                  Okay. So the testimony was made that  
16 the 12-foot trees will substantially shield and  
17 improve the vantage point from the Schedler property.  
18 I just don't see how that is possible.

19                  What say you to that?

20                  MR. D'ARMINIO: Again, you can make  
21 these statements --

22                  Mr. Whitaker: Still not a question.

23                  MR. D'ARMINIO: -- there's no question.  
24 He's an engineer. He's done the -- the various  
25 calculations and that's his testimony.

1 MR. AYNILIAN: Okay. That's his -- but  
2 I'm asking specifically, on what basis does that  
3 testimony -- you know, how does that -- how does that  
4 make sense?

5 Looking at these photos, it doesn't  
6 really block those -- it doesn't block the cell  
7 tower. It's not going to block the sign and honestly  
8 if it was to --

9 MR. D'ARMINIO: Again, there's no --

10 CHAIRMAN BROWN: Again, you need to  
11 start asking a question.

12 MR. AYNILIAN: I'm trying to --

13 Mr. Whitaker: You really haven't  
14 followed the rules. Okay.

15 And I understand you don't do this  
16 every day, but --

17 MR. AYNILIAN: Well, I'm --

18 Mr. Whitaker: -- you have to ask the  
19 question.

20 So the question is: Mr. Skapinetz --

21 MR. AYNILIAN: That is the question.

22 Mr. Whitaker: -- what did you base  
23 your opinion on.

24 MR. AYNILIAN: That's correct, that's  
25 my -- that's where I was going.

1                   Mr. Whitaker: It's a very simple  
2 question.

3                   Go ahead, Mr. Skapinetz.

4                   THE WITNESS: I simply base it on the  
5 view that you see before you in Exhibit A-29A or -B  
6 that shows from this vantage point what those trees  
7 could do to the viewshed looking in this direction  
8 whereas before you got a clearer view to the sign, as  
9 well as the other features, the station, other  
10 buildings by adding in now additional row of trees at  
11 a larger height and a larger width in between trees  
12 that already exist, you take and you reduce that view  
13 shed substantially as you can see at this location.  
14 Now, I -- that's basically -- it shows itself in  
15 A-29B.

16                   Mr. Whitaker: You may not like his  
17 answer, but that's his answer.

18                   Next question.

19                   MR. AYNILIAN: It's not quite --

20                   Mr. Whitaker: Next question.

21                   MR. AYNILIAN: It's not quite there,  
22 but I understand, and I agree with your point,  
23 Mr. Whitaker, that, you know, this should be worked  
24 out before the next meeting.

25                   So the second question I have is: Has

1 the company involved considered the possibility of a  
2 more stationary ambient lit non-LED sign?

3 Mr. Whitaker: It's not a question for  
4 this witness.

5 CHAIRMAN BROWN: That's not a question  
6 --

7 Mr. Whitaker: All he testified to was  
8 this exhibit.

9 MR. AYNILIAN: Okay.

10 Mr. Whitaker: So it's not a question  
11 that can be asked now.

12 MR. AYNILIAN: Okay. Fine.

13 We'll leave it -- we'll leave at that,  
14 because all I can say after that is --

15 Mr. Whitaker: Again, do you have a  
16 question.

17 MR. AYNILIAN: No, that was it.

18 Mr. Whitaker: Next question.

19 MR. AYNILIAN: I just wanted to know if  
20 there's -- they've considered that. I think they  
21 ought to.

22 Thank you.

23 CHAIRMAN BROWN: Thank you.

24 Good evening.

25 Again, if you could just, please, state

1 your name and give us your address?

2 MR. MORTIMER: Yeah.

3 Hi, I'm Frank Mortimer, 426 Van Buren  
4 Street, which for the record, is no where near the  
5 billboard, but just still a resident of Ridgewood.

6 So my question --

7 THE COURT REPORTER: Please spell your  
8 last name for the record.

9 MR. MORTIMER: Mortimer,  
10 M-O-R-T-I-M-E-R, or you could just put the B-man.

11 So my question is that you said there's  
12 going to be 63 trees that you're willing to buy. So  
13 when you did this proposal, how much are you  
14 estimating each of those 12-foot trees will cost?

15 Mr. Whitaker: It's irrelevant.

16 CHAIRMAN BROWN: It's not relevant.

17 MR. MORTIMER: It's not irrelevant,  
18 because he testified that he does other landscape  
19 proposals and so if you're doing a landscape  
20 proposal, part of doing that is the cost of the  
21 trees, so it is an actual legitimate question based  
22 on his testimony.

23 MR. D'ARMINIO: For what purpose --

24 Mr. Whitaker: No, it's not anything  
25 that's relevant to this board.

1 MR. MORTIMER: It is relevant, because  
2 I'm -- my step one is what did you put in to how much  
3 those trees will cost?

4 MR. D'ARMINIO: For what purpose do you  
5 want to know?

6 Mr. Whitaker: It's irrelevant.

7 MR. AYNILIAN: It's not irrelevant.

8 Mr. Whitaker: It's irrelevant to the  
9 board's decision.

10 MR. MORTIMER: How is it irrelevant if  
11 you don't know what my second question is --

12 Mr. Whitaker: It's irrelevant for the  
13 board's decision.

14 MR. MORTIMER: Well, because then my  
15 second -- okay, so based on --

16 Mr. Whitaker: Move on to your next  
17 question.

18 MR. MORTIMER: All right.

19 So if a company is -- I -- I can you  
20 explain to me why a company would be willing to spend  
21 over \$30,000.00 in trees if having the billboard will  
22 not impact the quality of life of people in the  
23 neighborhood?

24 MR. D'ARMINIO: Okay. That's an  
25 argumentative question, but I have made clear that we

1 think that the billboard, due to the distance and the  
2 nature of what we've done so far, there's no  
3 substantial negative impact on anybody. Okay?

4 But what we'll do is we want to make  
5 sure that we're a good neighbor. We want to make  
6 sure that the board feels comfortable. It's a common  
7 practice as -- as an applicant to see if you could  
8 satisfy the neighbors and to spend money in order to  
9 do that, that's what's done.

10 MR. MORTIMER: So my next question then  
11 is that, there's also a Kumon school between the  
12 billboard, so you're going to put trees there to  
13 block the view of the children looking at these  
14 billboards?

15 MR. D'ARMINIO: We have already in  
16 order to accommodate the Kumon school without any  
17 agreement back, expended money to do a -- to upgrade  
18 the sign to do a Narrowview Technology so they would  
19 not see the -- any copy.

20 We've also reoriented the sign for our  
21 neighbor to the north. We've also moved the sign and  
22 made accommodations there.

23 All we've been doing is making -- I'm  
24 not complaining about it, I apologize.

25 MR. MORTIMER: But I guess --

1                   MR. D'ARMINIO: I apologize, but we do  
2 that all the time --

3                   MR. MORTIMER: My question to you is --

4                   CHAIRMAN BROWN: Hang on.

5                   MR. D'ARMINIO: And I don't want to be  
6 a witness here.

7                   CHAIRMAN BROWN: We can't talk over  
8 each other, because --

9                   MR. MORTIMER: Yes, I'm sorry.

10                  CHAIRMAN BROWN: -- because our  
11 stenographer will not understand anything that's  
12 being said --

13                  MR. MORTIMER: My apologies.

14                  CHAIRMAN BROWN: -- again, it's  
15 questions based on what this witness has testified  
16 to.

17                  So even Mr. D'Arminio went further than  
18 he should have --

19                  MR. D'ARMINIO: Yes, I shouldn't have  
20 said that.

21                  CHAIRMAN BROWN: -- because your  
22 question.

23                  MR. D'ARMINIO: You are absolutely  
24 right.

25                  CHAIRMAN BROWN: Your question had no

1 bearing for what this witness has testified to.

2 MR. MORTIMER: Okay.

3 CHAIRMAN BROWN: So if you have any  
4 other --

5 MR. MORTIMER: All right.

6 Thank you.

7 MR. D'ARMINIO: That would have been  
8 the proper objection.

9 CHAIRMAN BROWN: Okay.

10 MR. D'ARMINIO: I apologize to the  
11 board, Chair.

12 CHAIRMAN BROWN: Good evening.

13 Again, if you could, please, just state  
14 your name, spell your last name and give us your  
15 address for the record?

16 MS. KWAK: Good evening. My name is  
17 Hyun-Ju Kwak, last name is spelled K-W-A-K. My  
18 address is Hyun-Ju Kwak 291 Highland Avenue.

19 THE COURT REPORTER: Spell your first  
20 name, please.

21 MS. KWAK: Hyun-Ju, it's H-Y-U-N as in  
22 Nancy J-U.

23 THE COURT REPORTER: Thank you.

24 MS. KWAK: Thank you.

25 So I'm asking questions today as a

1 private resident.

2 And for the record, also, I don't live  
3 anywhere close to this area, but I'm very interested  
4 in -- in this.

5 So the first question is -- and I'm not  
6 sure if you can answer this, but I hope so and this  
7 goes into the long-term viability and the  
8 effectiveness of the proposal that you planned.

9 And I guess it has to also do with the  
10 maintenance bond or whatever you mentioned.

11 Does this plan also include irrigation?

12 MR. D'ARMINIO: No, we have --

13 THE WITNESS: Yeah, we're not proposing  
14 irrigation.

15 It's my understanding there was  
16 irrigation there along that berm at this time, that's  
17 our understanding. It's there just based on a -- on  
18 a field visit, we witnessed it there.

19 So, and, again, we're not proposing it.  
20 We're just proposing the trees at this time.

21 MS. KWAK: But should -- I mean the  
22 screening relies -- this, I think, one of the board  
23 members had questioned it, the long-term viability  
24 and the effectiveness of it. It does depend on the  
25 irrigation plan.

1                   Would you be willing -- would you be  
2 willing to contemplate that?

3                   THE WITNESS: Well --

4                   MR. D'ARMINIO: That's for the client  
5 to decide and the client has not yet decided to do  
6 that.

7                   Mr. Whitaker: Again, that would be  
8 something between the Village Council and the  
9 applicant.

10                   So if the applicant goes to the Village  
11 Council and says, we propose to build -- to provide  
12 and plant 63 trees with a maintenance bond, and the  
13 Village Council says, yes, but we want A, B and C and  
14 one of those things on their list is irrigation also,  
15 but that's between them. We don't have jurisdiction  
16 over that.

17                   MS. KWAK: Okay. And so as part of  
18 that question, could then as part of that  
19 negotiation, if this is what happens, would it  
20 stipulate who's responsible for the water bill?

21                   Is that something that the -- is that  
22 part of the negotiation process?

23                   Mr. Whitaker: It's something to do  
24 outside the jurisdiction of this board.

25                   MS. KWAK: Okay.

1                   The second thing is, I'm sure you've  
2 mentioned that this is a plan that you proposed in  
3 other situations.

4                   What has been the long-term effect of  
5 it?

6                   Meaning, within three, four years when  
7 you've had this landscaping proposal and it has been  
8 accepted, has it actually been effective? Did it  
9 actually provide the screening that it was designed  
10 to do from the neighborhood's perspective?

11                  MR. D'ARMINIO: Just so I can  
12 understand, is the question, had there been other  
13 plants, have there been other plants, similar plants.

14                  MS. KWAK: Yes. So I'm assuming this  
15 is not necessarily original. That this is a proposal  
16 that you --

17                  THE WITNESS: Generally speaking, yes.  
18 I mean, if properly maintained, private property  
19 maintained so the trees can establish themselves and  
20 grow.

21                  CHAIRMAN BROWN: Can you speak into the  
22 mic.

23                  THE WITNESS: Ideally, we're in a  
24 situation where we have more mature trees that in a  
25 given time of three, four years we're going to see

1 substantial growth of a few feet in height and maybe  
2 even a couple of feet in width as well, so -- to just  
3 fill in the gaps between the trees that are there.

4 So the reality is, yes, and that comes  
5 back to the maintenance plan and how they're  
6 established at planting.

7 MS. KWAK: Okay.

8 Thank you very much.

9 THE WITNESS: You're welcome.

10 CHAIRMAN BROWN: Thank you.

11 Good evening.

12 MS. CANZANI: Hi. Madeline Canzani,  
13 C-A-N-Z-A-N-I, 506 Sterling Place.

14 It was my understanding that we would  
15 talk about what Mr. McDonough said.

16 Mr. Whitaker: I couldn't hear you,  
17 what.

18 CHAIRMAN BROWN: No, we're just  
19 specifically right now you're able to ask questions  
20 of this --

21 MS. CANZANI: And it's strictly just  
22 for the Schedler property --

23 CHAIRMAN BROWN: -- strictly this --

24 MS. CANZANI: -- for the Schedler  
25 property?

1                   CHAIRMAN BROWN: No, no, it's strictly  
2 of this witness and the three documents that he's  
3 provided.

4                   MS. CANZANI: Will there be an  
5 opportunity to address Mr. McDonough and his --

6                   CHAIRMAN BROWN: No, that was -- you  
7 were provided that opportunity at the last meeting.

8                   There will be an opportunity at the  
9 conclusion in order for you to make any comments that  
10 you would like.

11                   MS. CANZANI: Have you looked at  
12 581 Franklin Turnpike, which is less than 200 feet  
13 away.

14                   MR. D'ARMINIO: Again, I don't think  
15 that was a part of our testimony.

16                   Mr. Whitaker: Only questions  
17 pertaining to these three documents.

18                   CHAIRMAN BROWN: Good evening.

19                   MS. TARZIAN: Hi.

20                   Linda Tarzian, 576 Highland Avenue. I  
21 live nowhere near there, but I drive on Route 17 all  
22 the time.

23                   THE COURT REPORTER: Please spell your  
24 last name for the record?

25                   MS. TARZIAN: T-A-R-Z-I-A-N.

1                   My question is: As representing the  
2 applicant, why are you even making this proposal?

3                   MR. D'ARMINIO: I'm not a witness and  
4 that would be for my client and not this --

5                   MS. TARZIAN: What's the purpose of the  
6 proposal.

7                   MR. D'ARMINIO: So at this point I  
8 think I've even explained that, even outside of what  
9 was asked before, so I would appreciate the Chairman  
10 would deal with this --

11                   MS. TARZIAN: Well, we talked about  
12 three slides.

13                   MR. D'ARMINIO: -- would deal with this  
14 -- the testimony of Mr. Skapinetz.

15                   MS. TARZIAN: Well, I'm addressing the  
16 three slides that were presented this evening.

17                   Why is the applicant even making this  
18 proposal for this particular project?

19                   CHAIRMAN BROWN: He's previously  
20 answered this question.

21                   MS. TARZIAN: This project on Schedler  
22 side.

23                   MR. D'ARMINIO: I have asked --

24                   CHAIRMAN BROWN: -- he asked -- he  
25 previously answered this question.

1 MR. D'ARMINIO: I answered this.

2 MS. TARZIAN: Okay.

3 CHAIRMAN BROWN: He asked and answered  
4 -- it was asked and he's answered it.

5 Mr. Whitaker: Next question.

6 MS. TARZIAN: That's it.

7 Thank you.

8 CHAIRMAN BROWN: Thank you.

9 Good evening.

10 MR. ROSSI: Matthew Rossi, 28 Chestnut  
11 Street, R-O-S-S-I.

12 CHAIRMAN BROWN: Thank you.

13 MR. ROSSI: I was wondering, the  
14 photographs that were provided, what is the height  
15 that the photograph was taken at?

16 THE WITNESS: We don't have -- I don't  
17 have a specific height. I can maybe turn to  
18 Mr. McDonough because he took the photograph.

19 MR. McDONOUGH: For the record, John  
20 McDonough.

21 It was from my height.

22 MR. ROSSI: Perfect.

23 MR. McDONOUGH: I'm 5-foot-6.

24 MR. ROSSI: Perfect, I'm a short guy  
25 too.

1 MR. McDONOUGH: That's not short.

2 MR. ROSSI: So don't -- don't you think  
3 that plays, kind of, an advantageous role for you?  
4 Short guys like us, like I went to a concert, I can't  
5 really see up over things well, 5'6, I'm 5'8 on a  
6 good day with a good pair of shoes. I think that's a  
7 little less than average. So do you think that's a  
8 fair representation, you know, perspective-wise of  
9 what people may see?

10 MR. D'ARMINIO: Is there a question  
11 there. If you want to make --

12 MR. ROSSI: Yes, the question was do  
13 you think that a --

14 Mr. Whitaker: The question is do you  
15 think it was representative.

16 CHAIRMAN BROWN: No. No. No.

17 MR. D'ARMINIO: I'm sorry?

18 I -- I -- Mr. McDonough was talking to  
19 me.

20 Mr. Whitaker: Mr. Skapinetz is going  
21 to --

22 THE WITNESS: Exactly.

23 Mr. Whitaker: -- answer that.

24 MR. ROSSI: I can repeat the question  
25 if you --

1                   MR. D'ARMINIO: Yes, if you could,  
2 please.

3                   Mr. Whitaker: He asked if taking a  
4 photograph at the height of Mr. McDonough is a fair  
5 representation of the sight distances shown, that's  
6 the question.

7                   THE WITNESS: For -- for the purposes  
8 of preparing this exhibit, yes.

9                   MR. ROSSI: Okay.

10                   Thank you.

11                   CHAIRMAN BROWN: Thank you.

12                   Good evening.

13                   MS. DeSILVA: Good evening, how are you  
14 all doing?

15                   CHAIRMAN BROWN: Good.

16                   MS. DeSILVA: Frettra, F-R-E-T-T-R-A,  
17 last name is DeSilva, D-E S-I-L-V-A, 521 West Saddle  
18 River Road.

19                   I actually had the same question as  
20 Matt, but since he asked, so I know now and it kind  
21 of -- it matches the last two questions regarding the  
22 purpose and the height.

23                   I know that you stated that the purpose  
24 was in response to issues raised by some of the  
25 people, residents in this area.

1                   However, part of that concern, and I  
2 believe in the testimony -- would please let me  
3 finish, part of the testimony was that this property  
4 was abandoned or empty. There is a historic home on  
5 this property and part of the concern is the signage  
6 affecting the historic home.

7                   So if the -- did you take any photos?

8                   MR. D'ARMINIO: Again, I don't want to  
9 cut you off, but --

10                  MS. DeSILVA: Would you please let me  
11 finish?

12                  MR. D'ARMINIO: -- but it's getting late  
13 and there's no question here.

14                  MS. DeSILVA: Can he let me finish my  
15 question.

16                  Mr. Whitaker: Just ask the question.

17                  CHAIRMAN BROWN: Ask your question.

18                  Mr. Whitaker: You don't have to  
19 preface a question --

20                  MR. D'ARMINIO: You can make these  
21 comments --

22                  Mr. Whitaker: -- just ask your  
23 question.

24                  MS. DeSILVA: Okay.

25                  MR. D'ARMINIO: -- but not now.

1 MS. DeSILVA: Were any photos taken  
2 from the height of any of the windows in that  
3 historic home on that property, which could be  
4 affected by the signage?

5 Mr. Whitaker: It's a yes-or-no answer.

6 CHAIRMAN BROWN: It's yes or no. Just  
7 yes or no, did you -- were any photos taken that you  
8 know of? Yes or no.

9 THE WITNESS: I'm not aware of any.

10 CHAIRMAN BROWN: He's not aware of any  
11 photos that were taken from that property.

12 MS. DeSILVA: Okay.

13 MR. D'ARMINIO: From that height.

14 CHAIRMAN BROWN: From that height.

15 MR. D'ARMINIO: Yeah.

16 MS. DeSILVA: And were you aware that  
17 that is part of the concern that is raised.

18 MR. D'ARMINIO: Well, then that's a  
19 point that they make.

20 CHAIRMAN BROWN: Just yes or no or --

21 THE WITNESS: Not aware.

22 CHAIRMAN BROWN: -- not aware.

23 MS. DeSILVA: Okay.

24 You mentioned that there were other --  
25 there were other examples of this kind of landscaping

1 and the impact. Would we be able to understand where  
2 that is so that we can have an understanding of the  
3 impact?

4 THE WITNESS: I have -- I have prepared  
5 hundreds of site plans in my career, many of which  
6 range from 25 years old to, you know, probably  
7 constructed in the last six months.

8 I can provide multiple examples, yes.  
9 But the reality is, it doesn't -- it doesn't change  
10 or alter -- this, again, landscaping here,  
11 landscaping and a landscaping buffer as we're  
12 proposing, it is all based, again, based on the  
13 maintenance and how it's planted at the beginning at  
14 once that arrangement is made with the -- with the  
15 Village and it's put in place, that screening allows  
16 that it will grow and flourish and provide a fuller  
17 screen than what is there today and that's the  
18 purpose of us preparing this plan.

19 MS. DeSILVA: Okay.

20 And one question about the imaging  
21 here. Proportionately what is the distance or the  
22 height difference between the bottom of that cell  
23 tower and the top of the sign, the billboard?  
24 Because it's -- it's --

25 THE WITNESS: Unfortunately, I don't --

1     yeah, unfortunately, I don't have the measurement or  
2     the height of that tower, so I can't give you that  
3     exact measurement.

4                     All I can tell you is that from this  
5     view, once we've superimposed the trees on top of the  
6     berm, that's where it shows that the top of the tree  
7     is right at the bottom of the -- I guess of the fake  
8     foliage on the top of the -- on that cell tower.

9                     MS. DeSILVA:    Okay.    Okay.

10                    Thank you.

11                    THE WITNESS:    You're welcome.

12                    CHAIRMAN BROWN:  Thank you.

13                    Good evening?

14                    MR. DeSILVA:    Rohan DeSilva, 521 West  
15     Saddle River Road.

16                    You have my spelling from before?

17                    THE COURT REPORTER:  Yes.

18                    MR. DeSILVA:    All right.    So,

19     Mr. Skapinetz --

20                    THE WITNESS:    Yes.

21                    MR. DeSILVA:    -- your engineering  
22     number, your license number for the record --

23                    MR. D'ARMINIO:  We've been through this  
24     before with Mr. Skapinetz -- we've had the same --

25                    MR. DeSILVA:    He's an expert, so I

1 expect the license number.

2 MR. D'ARMINIO: -- questions.

3 Mr. Whitaker: He was already --

4 MR. D'ARMINIO: He was already --

5 Mr. Whitaker: He's already testified  
6 to --

7 MR. D'ARMINIO: -- accepted.

8 Mr. Whitaker: -- all his  
9 qualifications. He's been qualified as an expert  
10 witness in the field of engineering, previously  
11 provided his license number and the license number is  
12 listed on the plans also.

13 Let's move on.

14 MR. DeSILVA: Okay.

15 So, Mr. Whitaker, you have to continue  
16 doing continuing legal education, right?

17 I presume an engineer and an expert has  
18 to continue doing --

19 MR. D'ARMINIO: Objection. This is --  
20 this has his credentials as a --

21 MR. DeSILVA: You know Mr. D'Arminio is  
22 terribly hostile.

23 Mr. Whitaker: Mr. De Silva, it is not  
24 --

25 MR. DeSILVA: I can't hear you, because

1 he's talking over everybody.

2 Mr. Whitaker: Mr. DeSilva, he's  
3 testified, he's been qualified as an expert witness.  
4 That's not the purpose of the hearing tonight.

5 The purpose of the hearing tonight is  
6 to ask questions on three exhibits.

7 MR. DeSILVA: Okay.

8 So on some of these questions we've  
9 asked you, you've said: I don't know. I'm not  
10 certain.

11 I'd like to know what your expertise  
12 is, because measurements from the bottom of the cell  
13 tower to where the billboard will be --

14 MR. D'ARMINIO: Again, objection.

15 He's making --

16 MR. DeSILVA: Again, he's talking --  
17 he's not letting me finish my question.

18 MR. D'ARMINIO: May I please --

19 MR. DeSILVA: Mr. Whitaker, could you  
20 ask him to keep quiet, please.

21 MR. D'ARMINIO: May I speak?

22 No --

23 (Simultaneous Speaking.)

24 MR. DeSILVA: Mr. Whitaker, can you ask  
25 the hostile --

1 MR. D'ARMINIO: -- I have a right to  
2 make an objection --

3 MR. DeSILVA: -- attorney to keep  
4 quiet.

5 CHAIRMAN BROWN: Hey, guys, all right,  
6 enough, because once again, we're speaking over each  
7 other --

8 MR. DeSILVA: I have to be allowed to  
9 speak.

10 CHAIRMAN BROWN: -- each -- please.  
11 Now you're speaking over me --

12 MR. DeSILVA: Sorry.

13 CHAIRMAN BROWN: -- and at the same  
14 point we're not being respectful to our stenographer  
15 who's not able to copy any of this down.

16 MR. DeSILVA: Oh, I'm sorry.

17 CHAIRMAN BROWN: So --

18 MR. DeSILVA: I can say it very slowly.

19 CHAIRMAN BROWN: So --

20 Mr. Whitaker: The witness can testify  
21 as an expert and say that they do not have that  
22 information. That's a proper answer. It's a  
23 truthful answer. He said he didn't know. He's an  
24 engineer. He did not do the measurement for the cell  
25 tower. The cell tower is not in play.

1 Next question.

2 MR. DeSILVA: But they --

3 Mr. Whitaker: Next question.

4 MR. DeSILVA: They relate -- you relate  
5 a lot of what you said to the cell tower, the fake  
6 trees on the -- the fake leaves on the cell tower,  
7 correct?

8 MR. D'ARMINIO: That was just in  
9 response to the last question.

10 This is getting to be like almost,  
11 like, a whipsaw at this point. I object to this line  
12 of questioning.

13 If you have a real question, ask it.

14 Mr. Whitaker: Next question.

15 MR. DeSILVA: I'm asking why he doesn't  
16 have a proper measurement for where the billboard is  
17 if he is the expert for Outfront Media?

18 MR. D'ARMINIO: Objection to the form  
19 of the question. He's asking --

20 MR. DeSILVA: He's now --

21 MR. D'ARMINIO: -- objection to the form  
22 of the question. The form of the question, he's  
23 assuming a fact that he doesn't have the information  
24 and the like.

25 And that's not -- that's not -- that's

1 not so.

2 Mr. Whitaker: Mr. Skapinetz has  
3 testified as to information concerning the billboard.

4 As I said earlier, the cell tower is  
5 not in play.

6 MR. DeSILVA: I know.

7 I'm not asking about the cell tower.

8 Mr. Whitaker: You just did.

9 MR. DeSILVA: I'm asking about the  
10 billboard.

11 Mr. Whitaker: The one --

12 MR. DeSILVA: I'm asking specifically  
13 about the billboard.

14 Mr. Whitaker: What question do you  
15 have about the billboard, Mr. DeSilva.

16 MR. DeSILVA: Where the billboard will  
17 be, in relation to those trees and the cell tower  
18 because he mentioned the cell tower.

19 That's his expert witness --

20 Mr. Whitaker: Mr. Skapinetz, please  
21 provide an answer.

22 MR. DeSILVA: -- statement.

23 THE WITNESS: It's very clear on the  
24 exhibits as to where the proposed location of the  
25 sign will be in relation to this photo.

1                   There is a box that says location -- or  
2                   it says: Limits of proposed sign. And an arrow  
3                   pointing to it.

4                   That's where the sign is located --  
5                   proposed to be located within this photo and,  
6                   obviously, we can all see the cell tower within the  
7                   photo as well.

8                   MR. DeSILVA: Okay.

9                   Was this photo cropped in any way?

10                  THE WITNESS: We did not alter  
11                  Mr. McDonough's photo in order to make this exhibit.

12                  MR. DeSILVA: Okay. So now  
13                  Mr. McDonough is doing this?

14                  I thought this was all done by your  
15                  company.

16                  THE WITNESS: Sir, I made it very clear  
17                  in the very beginning of my testimony that it was a  
18                  -- it was a combined effort through multiple people  
19                  including my office, Mr. McDonough's office through  
20                  the use of his photo, Outfront Media and their  
21                  illustrator, who help provide some of the graphic  
22                  images that are shown within this exhibit.

23                  As well as my surveyor who provided the  
24                  survey that was used as some of the background  
25                  information to provide some of the dimensions that

1 are also shown in this exhibit.

2 MR. DeSILVA: The surveyor was there  
3 when?

4 THE WITNESS: That was -- that was  
5 provided in previous testimony that the exhibit, the  
6 survey is dated 11/16/2023 and the field work was  
7 done on October 12th, 2023.

8 MR. DeSILVA: Right.

9 You didn't have that at that time. The  
10 council member or the board member informed you.

11 So, again --

12 CHAIRMAN BROWN: It was on the exhibit,  
13 so --

14 MR. DeSILVA: Again --

15 MR. D'ARMINIO: Where are we going  
16 here?

17 CHAIRMAN BROWN: Yup. What's your next  
18 question, Mr. DeSilva?

19 MR. DeSILVA: Who asked you to do this  
20 preparation, this expert -- on behalf of Outfront  
21 Media.

22 MR. D'ARMINIO: Objection.

23 First, that's irrelevant. That was  
24 asked and answered already.

25 MR. DeSILVA: I can't hear what he's

1 saying.

2 MR. D'ARMINIO: That was -- I'm talking  
3 right into it. I'm sorry, I don't know if I can talk  
4 any louder.

5 MR. DeSILVA: Maybe slow, slower.

6 MR. D'ARMINIO: That was asked and  
7 answered and I would request that we move on.

8 MR. DeSILVA: Could you repeat what he  
9 said?

10 CHAIRMAN BROWN: He said it was asked  
11 and answered, but the applicant asked for the survey.  
12 Is that correct?

13 MR. D'ARMINIO: Yes. Yes.

14 CHAIRMAN BROWN: Outfront Media asked  
15 for the survey.

16 MR. DeSILVA: Okay.

17 That's it.

18 CHAIRMAN BROWN: Okay.

19 Thank you.

20 Good evening.

21 MS. BERLAMINO: Good evening.

22 Arlene Berlamino, 76 Fardale Avenue,  
23 Mahwah, New Jersey, B-E-R-L-A-M-I-N-O.

24 On these pictures, I'm just trying to,  
25 like, work the numbers here.

1                   When you say ground elevation,  
2 113 feet, is that sea level?

3                   MR. D'ARMINIO: No, that's -- so...

4                   MS. BERLAMINO: And then we have top of  
5 tree elevation, 132 feet?

6                   Is that like basing off of sea level?

7                   THE WITNESS: Correct. Yes, generally  
8 -- yes, it would be of sea level --

9                   MS. BERLAMINO: Okay.

10                  THE WITNESS: -- correct.

11                  MS. BERLAMINO: So is this side of the  
12 highway on a hill higher than the opposite side of  
13 the highway.

14                  THE WITNESS: There is -- there are  
15 some change in elevation within a couple of feet  
16 depending on where you are.

17                  MS. BERLAMINO: What would the sea  
18 level be on the site of the property?

19                  THE WITNESS: So it's at about -- the  
20 site where the sign is, it's 111.

21                  MS. BERLAMINO: It's 111, so 2 feet.

22                  THE WITNESS: So the bottom of the sign  
23 is 2 feet lower than --

24                  MS. BERLAMINO: Okay.

25                  THE WITNESS: -- the grade here --

1 MS. BERLAMINO: So it's only 2 feet.

2 THE WITNESS: -- at this location.

3 Yes.

4 MS. BERLAMINO: So when we look at the  
5 proportions to these numbers here, am I reading it  
6 correctly, like when you say that the berm height is  
7 7 feet and then the top of the berm goes to 120 feet  
8 sea level, which would add -- well, to the top of the  
9 tree line 132 feet, so you're adding 12 feet.

10 Would that mean that -- because your  
11 line here comes across to the bottom of the cell  
12 tower, that's what I'm using as a reference point --

13 THE WITNESS: Uh-huh.

14 MS. BERLAMINO: -- that the cell tower  
15 is only 12-foot high?

16 THE WITNESS: No, no, no.

17 Again, it's all -- it's all about --  
18 it's all about your perspective and where you're  
19 viewing things.

20 Remember, we're -- we're looking at  
21 this information 700 feet away from those -- those  
22 objects.

23 So it's like anything else to use  
24 the -- I guess, as an example, if you were driving  
25 along on a highway and you were looking at a sign,

1 let's assume you're approaching one of those large  
2 signs that says, "Welcome to Ridgewood" or Ridgewood  
3 three -- two miles ahead, as you start to approach  
4 that sign and drive under it, it gets bigger and  
5 bigger, right?

6 Then the next sign that you see a mile  
7 off in the distance or a half a mile in the distance  
8 looks pretty small until you approach it. That's the  
9 same situation that you see here.

10 MS. BERLAMINO: But when I superimpose  
11 your 12-foot trees over top of your original picture  
12 that you have, the little --

13 THE WITNESS: Right.

14 MS. BERLAMINO: -- black box there.

15 THE WITNESS: Right.

16 MS. BERLAMINO: That would suggest that  
17 that is only 12-feet high from viewing across  
18 700 feet.

19 THE WITNESS: No, again --

20 MS. BERLAMINO: So at 700 feet you're  
21 only going to see a height of -- or perceive a height  
22 of 12 feet on that sign and not 30 to 40 feet?

23 THE WITNESS: Again, yes, the reality,  
24 you might. Yes, you might not see it -- again, until  
25 you're back further away, the object looks that much

1 smaller.

2 So it would, in view, look to be a  
3 smaller object until you approached it in full.

4 MS. BERLAMINO: Okay. I think the  
5 proportions may be off here just standing.

6 Again, I'm even shorter than 5'6, so if  
7 that would be the case, I wouldn't even see over the  
8 berm from where I'm standing, but yet, I would be  
9 able to see tree height.

10 Mr. Whitaker: Do you have a question.

11 CHAIRMAN BROWN: Yes, questions.

12 MS. BERLAMINO: So the -- my question  
13 is, like, the perspective here --

14 CHAIRMAN BROWN: I think I can --  
15 because I'm going to ask a similar question just so  
16 -- after you go to council, if they look favorably on  
17 this and they would like to see an updated proposal,  
18 I would also ask you to go back to the engineering  
19 and the perspective, because also to myself, it does  
20 not look like the billboard is in the correct  
21 location when it comes to the Exxon sign.

22 So I would just -- we can take that off  
23 the table, you will figure out if they were going to  
24 look favorably on this, what it would look like and  
25 you come back to us and confirm the proportions and

1 the visuals are correct when it comes to where  
2 everything is placed.

3 Is that correct?

4 MR. D'ARMINIO: We will do that.

5 CHAIRMAN BROWN: Thank you.

6 MS. BERLAMINO: Okay. Because that was  
7 my second question. I think someone testified that  
8 th gas line was 21-feet high, which puts that in the  
9 exact proportion and we're saying that's going to be  
10 40-feet high.

11 CHAIRMAN BROWN: Yes. Let them --

12 MS. BERLAMINO: My other question was,  
13 all this tree work is done to be aesthetically  
14 pleasing to the north, south, east. What is being  
15 done or have you proposed anything to be  
16 aesthetically pleasing from the west side of this  
17 sign? Because the beauty part of this sign is  
18 supposed to be the ads, the light, the in -- the  
19 beneficial to the community is all from the -- those  
20 perspectives.

21 What is the perspective from the west  
22 side?

23 MR. D'ARMINIO: This -- this witness  
24 has not testified as to anything on the west side.

25 And I can say at this point nothing

1 else is being done.

2 CHAIRMAN BROWN: They have not proposed  
3 anything --

4 MR. DeSILVA: It's not being proposed.

5 CHAIRMAN BROWN: -- at this time for  
6 the west side.

7 MS. BERLAMINO: Well, I believe in  
8 September 12th or September whenever the last meeting  
9 was, I had asked what was going to be done for the  
10 west side.

11 CHAIRMAN BROWN: They didn't -- sure.  
12 Did you --

13 MS. BERLAMINO: And the response was  
14 that they would consider it.

15 CHAIRMAN BROWN: Okay. So they're  
16 going to take that under advisement --

17 MS. BERLAMINO: Right.

18 CHAIRMAN BROWN: -- and make sure that  
19 if they come back, they'll have an answer --

20 MS. BERLAMINO: Because they were going  
21 to do it September 12th.

22 CHAIRMAN BROWN: -- to what they might  
23 do.

24 MS. BERLAMINO: Because --

25 CHAIRMAN BROWN: And it might be

1 something that they might say they're not going to do  
2 anything. So that's just their ability.

3 MS. BERLAMINO: Okay.

4 Thank you.

5 CHAIRMAN BROWN: Thanks.

6 We'd like to make sure everybody goes  
7 before, if anybody -- if anybody else is going.

8 Any other -- do you have -- we usually  
9 don't do two rounds. Do you have a very quick  
10 question?

11 MS. KWAK: It's a really quick, I just  
12 want to ask --

13 CHAIRMAN BROWN: As long as it's very  
14 quick and it's one question.

15 MS. KWAK: One question.

16 CHAIRMAN BROWN: Go ahead and do that.

17 MS. KWAK: I'm going to --

18 CHAIRMAN BROWN: Yup.

19 Go ahead, say your name and give us  
20 your address again.

21 MS. KWAK: Okay. It's Hyun-Ju Kwak at  
22 291 Highland Avenue.

23 I'm speaking as a personal -- as a --  
24 in my personal capacity.

25 My quick question is: If the.

1                   Topography of this would change,  
2 meaning the berm would be, you know, for whatever  
3 reason, if the berm would not be there, would the  
4 applicant consider planting taller trees for the  
5 efficacy or is it just this is what you get.

6                   MR. D'ARMINIO: That's not for this  
7 witness.

8                   MS. KWAK: Okay.

9                   MR. D'ARMINIO: That would be for my  
10 client and I don't know.

11                   MS. BERLAMINO: Okay.

12                   Thank you.

13                   CHAIRMAN BROWN: Yup. Thank you.

14                   Any other members of the public?

15                   (No response.)

16                   CHAIRMAN BROWN: Okay. Seeing none.

17                   I'm going to open it up to board  
18 members, since we have not asked any questions, to  
19 see if we have any?

20                   I'm going to reiterate my same thing as  
21 before, a comment, make sure if there's anything  
22 favorably coming out of the council, you've updated  
23 everything and proportionality is correct.

24                   VICE CHAIRMAN BANDELT: As sort of a  
25 follow-up question, what was the distance,

1 approximate distance again, where the photo was taken  
2 from the proposed sign?

3 THE WITNESS: About 700 feet from the  
4 sign.

5 VICE CHAIRMAN BANDELT: Okay.

6 So I have the same sort of viewpoint.  
7 I looked at this photo right next to Exhibit A-4,  
8 which is supposed to be 750 feet away on Route 17,  
9 they're way out of proportion in scale.

10 And so I would encourage you to take a  
11 look at it.

12 Thank you.

13 CHAIRMAN BROWN: Great.

14 Board Members, do you have any other  
15 questions?

16 MR. PAPIETRO: Yup.

17 CHAIRMAN BROWN: Jonathan?

18 MR. PAPIETRO: I just want to suggest  
19 that the -- if the cellphone tower is going to be in  
20 perspective in the picture, please give it a  
21 reference height, so we can compare?

22 THE WITNESS: Sure.

23 CHAIRMAN BROWN: Thank you.

24 Our professionals, any questions?

25 MR. WHITAKER: No.

1 MR. BARREE: No.

2 CHAIRMAN BROWN: Okay.

3 Mr. D'Arminio, anything further?

4 MR. D'ARMINIO: No.

5 CHAIRMAN BROWN: Okay. Wonderful.

6 MR. Standriff, would you like to start?

7 MR. STANDRIFF: I think I can call two  
8 witnesses quickly.

9 CHAIRMAN BROWN: Okay.

10 MR. STANDRIFF: The others will take a  
11 while.

12 CHAIRMAN BROWN: Sure.

13 MR. STANDRIFF: I'd like to just  
14 briefly ask Ms. Marticek to come up to the lectern.

15 I just want to put on the record her  
16 address and the fact that she does, in fact, reside  
17 at -- in that home.

18 MS. MARTICEK: Oh, here?

19 MR. WHITAKER: Mr. Standriff, is this a  
20 fact witness or is this one of your clients, just so  
21 the record is clear?

22 MR. STANDRIFF: She's not my client.  
23 This is a fact witness.

24 Ms. Marticek, can you put your full  
25 name and your address on the record?

1 MS. MARTICEK: Linda Marticek,  
2 548 Route 17 North in Ridgewood.

3 DIRECT EXAMINATION

4 BY MR. STANDRIFF:

5 Q. How long have you resided there?

6 A. Seventy-seven years.

7 Q. Okay.

8 You've seen some of the exhibits that  
9 -- oh, sorry.

10 You've seen some of the exhibits that  
11 have been shown in this matter. I'm showing you  
12 what's been marked as Exhibit A-15.

13 A. Yes.

14 Q. So just take a look, this area here in  
15 the triangle (indicating) is the Tire & Wheel Center  
16 where the applicant is proposing to put the sign.

17 Do you see that?

18 A. Yes.

19 Q. Is your home immediately below that?

20 A. Yes.

21 Q. On the opposite side of Route 17?

22 A. Yes.

23 Q. Okay. And, in fact, your property is  
24 right at the edge -- your property is right at the  
25 edge -- your property borders the end of the Schedler

1 property, right?

2 A. Yes.

3 Q. Okay. So if you look out your window,  
4 you will see the Tire & Wheel Center, right?

5 A. Yes.

6 Q. And if you're standing in front of your  
7 home, you walk out the front door to get in your car,  
8 you -- you have a view of the Tire & Wheel Center,  
9 right?

10 A. Yes.

11 Q. Okay.

12 No further questions.

13 CHAIRMAN BROWN: Thank you.

14 Mr. D'Arminio --

15 MR. D'ARMINIO: No questions.

16 CHAIRMAN BROWN: -- do you have any  
17 questions?

18 MR. D'ARMINIO: I have no questions.

19 CHAIRMAN BROWN: Members of the public,  
20 do you have any questions?

21 Don't sit -- don't go yet, sorry.

22 MR. STANDRIFF: One second, ma'am.

23 CHAIRMAN BROWN: Sorry. Come back,  
24 thanks.

25 MR. STANDRIFF: In case anyone has more

1 questions.

2 MS. MARTICEK: Oh, I'm sorry.

3 Sorry.

4 CHAIRMAN BROWN: No worries.

5 Thank you.

6 Okay. Seeing none -- sorry, please  
7 state your name, spell your last name and give us  
8 your address.

9 MS. O'KEEFE: Cynthia O'Keefe,  
10 O--K-E-E-F-E, 542 West Saddle River Road.

11 So I'm just asking questions of what  
12 this -- was just discussed?

13 CHAIRMAN BROWN: Yes.

14 MS. O'KEEFE: Okay.

15 So on -- at the September 12th meeting  
16 I asked how many feet were the sign from Linda  
17 Marticek's property.

18 Those were in the meeting minutes. I  
19 checked them today. Jane Wondergem sent me the  
20 meeting minutes when the website was down.

21 So I never got an answer to that  
22 question from Mr. McDonough and, you know, there are  
23 actually -- there are a lot of open items that he was  
24 going to come back and give answers to.

25 So I would still like an answer to that

1 question. I'm sure Mrs. Marticek would also  
2 appreciate that.

3 MR. WHITAKER: This is the time for you  
4 to ask questions to Ms. Marticek.

5 So you're going to ask her if she knows  
6 the distance?

7 MS. O'KEEFE: I asked her earlier on  
8 the way here actually and she -- she didn't.

9 So the question was for --

10 MR. WHITAKER: Do you know the  
11 distance?

12 MS. MARTICEK: Not precisely, no.

13 MS. O'KEEFE: And she also never  
14 received a certified e-mail.

15 MR. WHITAKER: You need to state a  
16 question.

17 MS. O'KEEFE: Okay.

18 So, yeah, I mean, no, we don't know the  
19 distance, so I'm assuming she'd like to know that at  
20 some point.

21 That's -- that's all I had to say.

22 Thank you.

23 CHAIRMAN BROWN: Thank you.

24 Any other members of the -- yup.

25 Please just state your name, spell your last name and

1 give us your address for the record.

2 MS. CANZANI: Madeline Canzani,  
3 C-A-N-Z-A-N-I, 506 Sterling.

4 Can I just ask a question since we're  
5 talking about that 200 feet of --

6 CHAIRMAN BROWN: No, it would be to  
7 her.

8 MS. CANZANI: Of Ms. Marticek?

9 CHAIRMAN BROWN: Yup.

10 MS. CANZANI: Okay.

11 CHAIRMAN BROWN: Thanks.

12 Any other members of the public?

13 (No response.)

14 CHAIRMAN BROWN: Okay.

15 Seeing none.

16 Board members, do you have any  
17 questions?

18 MR. PAPIETRO: Yes, Mr. Chairman, but  
19 for Mr. Standriff.

20 Could you point out the property in  
21 question, where it is on that picture? I'm not quite  
22 sure.

23 MR. STANDRIFF: I will.

24 And I'll just make -- and I'll ask  
25 Ms. Marticek to just confirm.

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I'm going to point -- okay.

MR. WHITAKER: Ms. Marticek, he's going to go up there.

MR. STANDRIFFF: You might have to --

MR. WHITAKER: -- and point at a location --

MS. MARTICEK: Oh.

MR. WHITAKER: -- and you just need to confirm it, that's all.

MR. STANDRIFFF: I can't --

CHAIRMAN BROWN: You're going to need a mic if you're going to speak or else we're not going to get it.

MR. STANDRIFFF: She's indicating --

CHAIRMAN BROWN: You need a -- Mr. Standriff, you need a mic. You need a mic.

MR. STANDRIFFF: Well, she's telling me she can't see it.

CHAIRMAN BROWN: Okay.

MR. D'ARMINIO: Mr. Chair, we can stipulate where it is.

Maybe Mr. -- I'm okay with Mr. Standriff saying where it is.

Is that okay?

1                   CHAIRMAN BROWN: That's fine, if you  
2 want to stipulate.

3                   MR. D'ARMINIO: Yes.

4                   CHAIRMAN BROWN: That's fine.

5                   MR. STANDRIFF: That's fine.

6                   And so -- and it's -- and I'll just --  
7 -- it's here (indicating) just below the proposed --  
8 the proposed off-premises multi-message indication  
9 and, again, it would be within the 200 foot so...

10                  CHAIRMAN BROWN: Okay.

11                  Thank you.

12                  MR. STANDRIFF: Is that correct,  
13 Ms. Marticek?

14                  MS. MARTICEK: Yes.

15                  MR. STANDRIFF: Okay. Thank you.

16                  CHAIRMAN BROWN: Thank you.

17                  MR. D'ARMINIO: I'm not sure about the  
18 later statement, but the location of where it is  
19 would be where it is.

20                  There it is. I see it.

21                  CHAIRMAN BROWN: Any other board  
22 members have any questions of Ms. Marticek?

23                  Yup, go.

24                  MS. RUHL: When you first moved to that  
25 house, how wide was Route 17?

1 MS. MARTICEK: It was -- oh, I'm sorry.  
2 When I was -- you got to remember I can only go when  
3 I was a little bit older, but it was two lanes.

4 MS. RUHL: Two on each side or just --

5 MS. MARTICEK: Yeah.

6 MS. RUHL: Okay.

7 MS. MARTICEK: I can only say -- I  
8 don't know if I can say what my mother told me, but  
9 when they bought it there, it was one lane on each  
10 side.

11 MS. RUHL: Okay. Perfect, that's what  
12 I need to know.

13 Thank you.

14 MS. MARTICEK: I know I'm ageless.

15 CHAIRMAN BROWN: No, no worries.

16 MS. MARTICEK: I'm older than some of  
17 the trees there.

18 (Laughter.)

19 MS. RUHL: Thank you, I appreciate it.

20 MS. MARTICEK: But I just -- I want to  
21 get it on record if I could. I know I'm supposed to  
22 ask questions.

23 MR. WHITAKER: No, you can testify.

24 CHAIRMAN BROWN: No --

25 MS. MARTICEK: Okay. I was never --

1 MR. WHITAKER: You can testify.

2 MS. MARTICEK: I was never notified  
3 about this proposal of this sign at all. I never got  
4 a letter or certified mail or anything.

5 So I was a little taken aback when  
6 people told me about what was going on, so here I am.

7 MS. RUHL: Thank you.

8 CHAIRMAN BROWN: Thank you.

9 Board members have any additional  
10 questions?

11 (No response.)

12 CHAIRMAN BROWN: No? Okay.

13 MR. Standriff, we're good.

14 MR. STANDRIFF: Okay. Thank you,  
15 ma'am.

16 MS. RUHL: Thank you.

17 MR. STANDRIFF: I'm going to call  
18 Dr. Kurpis, please.

19 Doctor, please state your name and  
20 address.

21 DR. KURPIS: My name is Al Kurpis,  
22 K-U-R-P-I-S.

23 I live at 30 Werimus Brook Road, Saddle  
24 River.

25 MR. WHITAKER: Would you please raise

1 your right hand.

2 Do you swear or affirm the testimony  
3 you're about to give will be the truth and nothing  
4 but the truth?

5 DR. KURPIS: Yes, I do.

6 A L B E R T K U R P I S,

7 30 Werimus Brook Road, Saddle River, New Jersey,  
8 having been duly sworn, testifies as follows:

9 MR. WHITAKER: Thank you, please  
10 proceed.

11 DIRECT EXAMINATION

12 BY MR. STANDRIFF:

13 Q. You're a tenant in my client's building  
14 at 545 Route 17, correct?

15 A. That is correct.

16 Q. You maintain a dental practice there?

17 A. Yes, I do.

18 Q. How long have you maintained a dental  
19 practice?

20 A. More than two decades.

21 Q. I understand that you have some  
22 concerns about the proposed signage.

23 A. Well, I have, you know, a few things  
24 I'd like to say. I'm going to make three points.

25 First of all, as some members may know

1 that I'm also the Mayor of Saddle River, but I do not  
2 -- and I want this on the record clearly understood,  
3 I do not represent, in any official capacity, the  
4 governing body of Saddle River. I'm here as a  
5 private citizen who happens to work in Ridgewood for  
6 the last 20 so or so years.

7 But I can share with you that the  
8 people in Saddle River are very much aware of what is  
9 proposed here and have -- are deeply concerned,  
10 because as with Ridgewood, Ridgewood is committed to  
11 open space and, you know, we are deeply committed to  
12 open space.

13 MR. D'ARMINIO: No, I mean, if he has  
14 issues with regard to the sign here, the issues with  
15 regard to Saddle River and his position as Mayor, I  
16 think that's -- that's just improper for this forum  
17 right now.

18 MR. WHITAKER: Let's focus the  
19 testimony on --

20 THE WITNESS: Then I'll --

21 MR. WHITAKER: -- you as a tenant at  
22 this building.

23 THE WITNESS: Yes, and I will -- I will  
24 skip the rest of those comments and I'll go right to  
25 my point.

1                   And I'll talk about me being a tenant  
2 at 545 Route 17 South.

3                   I looked at your exhibits tonight and I  
4 have my own photographs of it as well.

5                   And I look at my sign in front of this  
6 building, of my building of where I rent my space and  
7 I see it in juxtaposition to the proposed sign here.

8                   My sign is an illuminated sign. And I  
9 came before the municipality years ago to try to get  
10 signage in front of the building and I had done  
11 everything possible to be in line and compliant with  
12 the rules and regulations of Ridgewood.

13                   At first I was told I can only have a  
14 black-and-white sign with no illumination. And I  
15 explained that why I thought I needed illumination.  
16 Then I came back and asked --

17                   MR. D'ARMINIO: May I just object to  
18 this testimony and just put it on the record, is that  
19 each application stands on its own two feet.

20                   What happened to Mr. Kurpis with regard  
21 to his application should not have a bearing on this  
22 application.

23                   Furthermore --

24                   THE WITNESS: Then I would --

25                   MR. D'ARMINIO: --

1                   Furthermore -- if I could complete --

2                   THE WITNESS:    Sure.

3                   MR. D'ARMINIO:  -- it's a different use  
4                   that is an on-site -- an on-premise sign.  Ours is an  
5                   off-premise sign.

6                   They have different uses.  And they  
7                   have different needs.

8                   So I would think that this point about  
9                   the difficulties in getting his sign done should not  
10                  have any bearing on what this board decides.

11                  THE WITNESS:  So then I would --

12                  BY MR. STANDRIFF:

13                  Q.           Let me ask a question.

14                  A.           Yes.

15                  Q.           Dr. Kurpis, if the board were to  
16                  approve this sign and it were to be erected 10-foot  
17                  high, 40-feet wide, digital sign, what is your  
18                  opinion as to what someone driving down Route 17 is  
19                  going to look at?

20                  A.           First of all, what is the purpose of my  
21                  sign?

22                  My sign is an announcement.  It has a  
23                  stationary message.  And you can see it, like any  
24                  sign, a highway sign or -- or any information sign,  
25                  it basically tells you that I am there and it's my

1 location.

2 I'm now going to be in front of it  
3 visually, an electronic sign, that has a different  
4 level of illumination, which I wasn't allowed to have  
5 and I know the counsel there thinks it's irrelevant,  
6 but I would then would say, well, I'm competing with  
7 that sign for eyeballs. These eyeballs affect my  
8 business and the future of my dental practice and the  
9 practice of those people who work with me, but, yet,  
10 I can't have -- if that -- if their sign is  
11 attracting more eyeball attention than my sign, I am  
12 going to lose traffic to my business.

13 So I would like to have an electronic  
14 sign possibly. However -- first of all, it puts me  
15 in an unfair economic disadvantage because why should  
16 I have to spend all of this money, but from an  
17 economic survival point of view, I may have to.

18 But then my electronic sign may be too  
19 close to theirs according to the rules and  
20 regulations. So it may preclude me actually from  
21 acquiring an electronic sign.

22 Q. You're referring to the discussion of  
23 the 3,000 feet between --

24 A. The 3,000-foot rule.

25 So all of a sudden I am now blocked out

1 or boxed out of the game for competing for eyeballs  
2 which affects my personal income and the income of my  
3 family and the income of all the other people who  
4 work in my office. That is really not a fair  
5 characterization of what should happen or be allowed  
6 by members of the governing body to happen to anyone  
7 who has a business in town.

8 We talked about -- we heard about the  
9 greater good for the community. Well, what good does  
10 it do community members who work in the community  
11 such as me and all those other dentists and  
12 hygienists that I employ.

13 What if this puts me out of business?  
14 You know, there isn't a big profit margin in  
15 healthcare.

16 MR. D'ARMINIO: I let this go for a  
17 while. Just objection. This is just wild  
18 speculation.

19 He has an on-premise sign. He's not  
20 controlled by the New Jersey Department of  
21 Transportation's spacing for off-premise signs.

22 I mean, and the rest of it, I could  
23 have him say, but we've dealt with it, we've dealt  
24 with it separately through our traffic --

25 THE WITNESS: Okay. So let me skip

1 right to suitability and appropriateness.

2 I don't believe that this location of  
3 this electronic sign is suitable for this particular  
4 location and appropriate because of the traffic  
5 conditions leading up to the line-of-sight of my  
6 building and where the sign is.

7 And you've seen something similar to  
8 this here before in one of the exhibits. I have more  
9 copies here.

10 But, basically, right in front of my  
11 building is an on-ramp coming out of the Ridgewood  
12 Park and Ride, which has a tremendous amount of  
13 traffic.

14 Now that park and ride --

15 MR. D'ARMINIO: I think in terms --  
16 just objection again.

17 In terms of he's testifying as an -- as  
18 an expert witness, if this is his opinion and  
19 concern, then maybe that's one thing, but he can't  
20 testify that there's a traffic issue. He's not a --  
21 he's not a certified traffic expert.

22 THE WITNESS: No, I'm not -- I'm  
23 testifying --

24 MR. WHITAKER: He raised an objection.

25 MR. D'ARMINIO: Right.



1 exhibit.

2 THE WITNESS: Okay.

3 MR. STANDRIFF: So I'm going to mark  
4 Exhibit 1 as AK-9 and I'll just write Kurpis on it.  
5 I'll keep mine and I'll give a copy of this to the  
6 board and one to counsel.

7 THE WITNESS: And while you're doing  
8 that, we can mark this AK-10.

9 (Whereupon, Photograph is received and  
10 marked as Exhibit AK-9 for identification.)

11 MR. STANDRIFF: I'm going to mark a  
12 second photograph as AK-10, Kurpis.

13 (Whereupon, Photograph is received and  
14 marked as Exhibit AK-10 for identification.)

15 BY MR. STANDRIFF:

16 Q. Okay. Dr. Kurpis, let's take these one  
17 at a time.

18 A. Okay. So AK-9, you see that the  
19 on-ramp disappears and it forces traffic into my --

20 (Simultaneous Speaking.)

21 MR. D'ARMINIO: Mr. Standriff, can we  
22 enter some --

23 THE WITNESS: -- on Route 17 South.

24 MR. D'ARMINIO: -- context for this,  
25 who took the pictures, when he took them?

1 MR. STANDRIFF: Yeah.

2 BY MR. STANDRIFF:

3 Q. Who took these photographs?

4 A. I took these photographs.

5 Q. When?

6 A. I took these photographs today.

7 Q. Okay. So AK-9, is that a photograph of  
8 the entrance to the building where you --

9 A. Both the entrance and the exit to the  
10 building.

11 Q. Okay. Continue.

12 Why did you take that photograph? What  
13 are you trying to show the board?

14 A. I'm trying to show the board the  
15 unsuitability of adding additional distraction to  
16 someone trying to enter my building safely.

17 MR. D'ARMINIO: Objection as to the  
18 characterization of it as a distraction.

19 MR. WHITAKER: Objection noted, please  
20 proceed.

21 THE WITNESS: Okay. Now --

22 BY MR. STANDRIFF:

23 Q. You mentioned the --

24 A. Can I -- can I just say something?

25 There is a distraction here. It is my opinion that

1 there's a distraction because the federal government  
2 had a study saying that after two seconds of taking  
3 your eyes off the road, that is the threshold for an  
4 accident.

5 This was confirmed by the New Jersey  
6 Department of Transportation, the DOT.

7 How many seconds do you think it takes  
8 to read an electronic sign that has content as  
9 opposed to an illuminated sign like mine which is  
10 just a stationary representation of an announcement  
11 of my location.

12 MR. D'ARMINIO: Let the board indicate  
13 -- remember that we did have that testimony, we had  
14 all that testimony.

15 THE WITNESS: And was there any  
16 testimony to guarantee the content would not change  
17 over time? This is -- all electronic signs along  
18 Route 17, and throughout New Jersey that are similar,  
19 have rotating content of which this governing body  
20 here has no idea what that content will be in the  
21 future.

22 Do you know when I came before the  
23 municipality to represent my sign, I put down what my  
24 sign would be at that moment and it would be in  
25 perpetuity as long as I was at that location.

1                   If this governing body approves an  
2 electronic sign with rotating messages and varying  
3 content, this governing body has no idea how many  
4 seconds a potential driver would be distracted by  
5 trying to see what is on that sign.

6                   MR. D'ARMINIO: A containing objection  
7 to the use of the word "distraction," a continuing  
8 objection to him basically testifying as an expert, a  
9 traffic engineer.

10                  THE WITNESS: I'm not an expert. It is  
11 my opinion.

12                  MR. WHITAKER: Okay. You're giving an  
13 opinion. Prior testimony had been provided by  
14 applicant's prior witnesses as it pertained to this  
15 and the -- and the applicant does have the permit  
16 from the DOT --

17                  THE WITNESS: That is correct.

18                  MR. WHITAKER: -- and that obviously is  
19 within their jurisdiction, not the board's.

20                  THE WITNESS: That is correct.

21                  And I'm concerned that the federal  
22 government and the Department of Transportation say  
23 that two seconds is the threshold for an accident.

24                  Any electronic signs, go drive by any  
25 yourself between now and the next meeting and have

1 someone with a stopwatch tell you how many seconds it  
2 took you to read that sign and then you figure out  
3 what is your personal threshold and what are the  
4 thresholds for people of different ages, elderly  
5 people?

6 We also have in my building the Kumon  
7 Center, which treats -- which tutors children.

8 Right now every day there are 30, 40,  
9 50 kids at the end of my driveway looking for their  
10 parents to pick them up. They are no street lights  
11 there. You can't see anything.

12 Now you're going to add another  
13 distraction for a driver who can't see a kid who's  
14 not going to be able to see my sign, because you're  
15 distracted by another sign. I think that is  
16 something that should be considered.

17 MR. D'ARMINIO: I have to continue my  
18 objection, Mr. Whitaker.

19 BY MR. STANDRIFF:

20 Q. I'm going to -- I'm going to go --

21 MR. WHITAKER: Objection noted.

22 BY MR. STANDRIFF:

23 Q. -- to AK-10, why did you take that  
24 photograph? What are you trying to show?

25 A. Yes, because this is a photograph that

1 my patients continually tell me that they keep  
2 hitting this thing trying to get into the building at  
3 the last minute because they're following the lane  
4 which guides them into right-hand traffic, and then  
5 low and behold to find out only 10 or 15 feet later  
6 they have to make a sharp right-lane turn into my  
7 building and not knowing if there's anyone coming up  
8 that shoulder, out of the Park-and-Ride Lot, because  
9 there are buses coming out of there. There are cars  
10 coming out of there. There are people dropping off  
11 other people who are not familiar with the area. And  
12 it's -- it's a total mess. And I'm very concerned  
13 about it for the safety and wellbeing of anyone who  
14 goes up and down Route 17 and, particularly, my  
15 patients who come to my office.

16           And I'm also very concerned that this  
17 is an electronic sign that you have no idea how long  
18 those messages are going to be and how distracting  
19 they're going to be.

20           You have no idea how multimedia is  
21 changing and what subliminal messages can be put up  
22 there to attract certain people's attention and --  
23 and divert their attention from the road to the  
24 message of someone who has a message up there, not  
25 for the greater good of the community, but for their

1     entrepreneurial, economic need, I'm concerned about  
2     that.

3     BY MR. STANDRIFF:

4             Q.         Final question, Doctor.

5                         Do AK-9 and AK-10 fairly and accurately  
6     depict the area outside the entrance to your dental  
7     office? And does AK-10 fairly and accurately depict  
8     the damage that's been done to the curbing and  
9     concrete there by vehicles running over it  
10    constantly?

11            A.         Yes, they do.

12            Q.         Thank you.

13                         MR. D'ARMINIO: Objection as to that  
14     last section, there's no -- there's no basis for --  
15     for that they constantly go over this curb on -- with  
16     regard to this location --

17                         MR. WHITAKER: The board will --

18                         MR. D'ARMINIO: -- or what the source of  
19     this was.

20                         MR. WHITAKER: The board will --

21                         MR. D'ARMINIO: It's really  
22     speculating.

23                         MR. WHITAKER: The board will take it  
24     into consideration and evaluate it.

25                         Let's move on.

1 MR. D'ARMINIO: Okay.

2 MR. STANDRIFF: No further questions  
3 for Dr. Kurpis.

4 Thank you.

5 MR. WHITAKER: Questions from  
6 Mr. D'Arminio.

7 MR. D'ARMINIO: I'll rely on my expert  
8 witness with regard to the comments that were made by  
9 Mr. Kurpis.

10 MR. WHITAKER: Mr. Chairman, back to  
11 you.

12 CHAIRMAN BROWN: Thank you.

13 So questions from the public?

14 Members of the public have any  
15 questions of this witness?

16 Again, if you can please state your  
17 name, spell your last name and give us your address  
18 for the record.

19 Thank you.

20 MS. RUANE: Susan Ruane, R-U-A-N-E is  
21 the last name, 705 Kingsbridge Lane.

22 I just have a question for -- for the  
23 doctor.

24 How often do you see accidents on  
25 Route 17, since you're close to -- I mean, we live

1 there.

2 MR. D'ARMINIO: Objection.

3 Now this is really going too far field.  
4 We have the accident rates here. And we have  
5 testimony of this.

6 MS. RUANE: All right.

7 MR. D'ARMINIO: Whether he personally  
8 saw an accident or not, where are we going with --

9 MS. RUANE: All right.

10 MR. D'ARMINIO: Objection.

11 MS. RUANE: All right.

12 Can I ask this question then?

13 MR. STANDRIFF: I think it's a proper  
14 question.

15 MS. RUANE: All right. Can -- how does  
16 that -- how do accidents on Route 17 impact your  
17 business?

18 MR. WHITAKER: I think that's  
19 irrelevant.

20 MR. D'ARMINIO: That's assuming that  
21 there's accidents.

22 MR. WHITAKER: I mean there's no  
23 correlation between an accident and, in fact, we have  
24 --

25 MS. RUANE: No, it --

1 MR. D'ARMINIO: Come on.

2 MS. RUANE: No, the --

3 MR. WHITAKER: Let me finish.

4 We have no statistics or anything. I  
5 think that's an unfair question to Dr. Kurpis.

6 MR. STANDRIFF: Well, I actually  
7 thought the first question was appropriate whether he  
8 sees accidents on Route 17 outside his office.

9 MR. WHITAKER: I'm sure that -- Doctor,  
10 the question would be, Dr. Kurpis, have you  
11 witnessed, as a tenant of the last 20 years,  
12 accidents on Route 17?

13 THE WITNESS: Yes.

14 MR. WHITAKER: Thank you.

15 Relevancy will be later --

16 CHAIRMAN BROWN: Okay.

17 MR. WHITAKER: -- because that was a  
18 simple way to answer the question.

19 CHAIRMAN BROWN: Thank you.

20 Good evening.

21 MS. SCHMIDT: Good evening, Kathryn  
22 Schmidt, 123 South Irving Street.

23 If money were no object -- well, first  
24 of all, if this variance went through and this  
25 larger, bigger competing sign went in, as a business

1 owner --

2 MR. D'ARMINIO: Objection as to the  
3 characterization of it as competing.

4 That's not what the testimony is.

5 MS. SCHMIDT: I'm sorry.

6 MR. D'ARMINIO: It's not our position.

7 MR. WHITAKER: If there were two signs  
8 there -- go ahead with your question, if there's two  
9 signs there as -- one proposed and one that exists?

10 MS. SCHMIDT: Okay.

11 As a business person in that area,  
12 would you -- and if money were no object for you,  
13 would you say, hey, there's an opportunity now,  
14 because they've let one sign come in, why not let my  
15 sign come in now?

16 MR. D'ARMINIO: Objection.

17 I already said --

18 MR. WHITAKER: That's an irrelevant  
19 question --

20 MR. D'ARMINIO: -- that objection.

21 MR. WHITAKER: That's an irrelevant  
22 question for what the -- for what the board has to  
23 consider.

24 MS. SCHMIDT: But it's relevant to his  
25 testimony.

1                   MR. WHITAKER: No, it's not. It's not  
2 relevant.

3                   THE WITNESS: Well, my -- my testimony  
4 is my -- my concern that this is going to detract my  
5 ability to grab eyeballs which affects my bottom line  
6 of my business.

7                   MR. WHITAKER: The question I  
8 understood you're asking is what would prevent him  
9 from wanting a sign that's electronic also, right?

10                  THE WITNESS: Well, what prevents me  
11 from getting --

12                  MS. SCHMIDT: Well, my --

13                  THE WITNESS: -- an electronic sign is  
14 the law, the rules.

15                  MS. SCHMIDT: Would incent -- would the  
16 fact that this sign went in incent him and perhaps  
17 other businesses to say, hey, me too.

18                  MR. D'ARMINIO: That's all -- that's  
19 all improper. It's all argumentive and I object to  
20 it.

21                  MR. WHITAKER: Yes, it's conjecture and  
22 it has nothing to do with what the board has to  
23 consider.

24                  Next question.

25                  MS. SCHMIDT: Okay.

1 CHAIRMAN BROWN: Thank you.

2 Good evening.

3 MS. BERLAMINO: Hi.

4 Arlene Berlamino, 76 Fardale Avenue,  
5 Mahwah, New Jersey.

6 Dr. Kurpis, if you -- if this sign goes  
7 through and it's beneficial advertising, would you be  
8 willing to advertise on this sign?

9 THE WITNESS: No.

10 MS. BERLAMINO: Thank you.

11 CHAIRMAN BROWN: Good evening.

12 MR. DeSILVA: Rohan De Silva, 521 West  
13 Saddle River Road.

14 Dr. Kurpis, why would you not go for  
15 this sign?

16 Why would you not advertise on this  
17 sign?

18 MR. D'ARMINIO: Whether he would  
19 advertise it or not, does it have anything --

20 MR. DeSILVA: I'm sorry, this is just  
21 badgering --

22 MR. D'ARMINIO: Objection to it.

23 MR. DeSILVA: -- this is badgering.

24 MR. D'ARMINIO: I let this go a little  
25 bit too far, whether he's going --

1 MR. DeSILVA: He's going too far.

2 MR. D'ARMINIO: -- to advertise it or  
3 not, what's the --

4 MR. WHITAKER: The --

5 MR. DeSILVA: He interrupted my  
6 question.

7 MR. D'ARMINIO: I have a right to say I  
8 have an objection --

9 MR. WHITAKER: He has a right to raise  
10 an objection --

11 MR. D'ARMINIO: -- and to state it.

12 MR. WHITAKER: -- when you've asked a  
13 question.

14 Let's stop. Very simply put, the issue  
15 of who would advertise on the sign is irrelevant for  
16 what the board has to consider.

17 MR. DeSILVA: Well, this question is  
18 for Dr. Kurpis, right?

19 MR. WHITAKER: It doesn't matter.

20 What we're saying, anybody can come up  
21 and say they would -- if a person got up and said I  
22 would put my name on -- my advertisement on the sign,  
23 that's irrelevant to the board's consideration under  
24 the law.

25 Next question.

1                   MR. DeSILVA: Well, I'll ask the next  
2 question, but, you know, the attorney over there,  
3 he's been very hostile.

4                   MR. WHITAKER: Next question.

5                   MR. DeSILVA: You know, no, you don't  
6 have to accept this. He talks over us. It's wrong.

7                   If we are to ask questions, there  
8 should be some decency here.

9                   He can -- I'm not saying he can't  
10 object. He can object till the cows come home, but  
11 don't talk over me.

12                   I -- I have mentioned to this --

13                   MR. D'ARMINIO: Mr. Chairman, may I  
14 speak, please, after --

15                   MR. DeSILVA: -- board, again, I have  
16 mentioned to this board that I have -- I'm hearing  
17 impaired. So when he starts talking, I don't know  
18 what anybody else is saying. I might not even know  
19 what I'm saying, because all I hear is some noise.

20                   And the Village of Ridgewood hasn't  
21 seen fit to outfit these rooms that -- to a standard  
22 that people who are impaired in some way can be  
23 accommodated and it is our right by law.

24                   So it's enough, but this is really  
25 outrageous that he's allowed to talk this way.



1 address.

2 MS. HADERTHAUER: Yes.

3 Diane Haderthauer, 470 Albin Court.

4 At the September 2nd meeting I had  
5 asked for photographs and I think the board should  
6 also see them.

7 Doctor, I don't know if you have  
8 photographs of what this sign is going to look like  
9 underneath, which is probably abutting your business  
10 and also what it's going to look like behind the  
11 sign.

12 We have not seen any --

13 MR. WHITAKER: What question do you  
14 have for Dr. Kurpis.

15 MS. HADERTHAUER: The -- the question  
16 is, Doctor, do you have any pictures of -- of what  
17 that sign is going to look like underneath that's  
18 going to be right next to your property?

19 THE WITNESS: No, I don't.

20 MS. HADERTHAUER: Or -- or behind your  
21 property.

22 THE WITNESS: No, I don't, but it  
23 segues --

24 MS. HADERTHAUER: Okay. I'm --

25 THE WITNESS: -- it segues into my

1 response of one of my concerns besides my personal  
2 effect on my business, and that is that I believe  
3 that if the board approves this variance, that it's  
4 going down a slippery slope, because we can't control  
5 the content of which -- and that content and how  
6 future content can possibly influence traffic  
7 distraction in the future and that's a public safety  
8 hazard.

9                   You talked about the greater good, for  
10 the greater good, you have to think in terms of  
11 public safety first, my economic concerns second.

12                   But I think that really public safety  
13 is first.

14                   CHAIRMAN BROWN: Okay.

15                   Thank you.

16                   THE WITNESS: And I would take a second  
17 position to that.

18                   CHAIRMAN BROWN: Okay.

19                   MS. HADERTHAUER: Well, I just want to  
20 mention to this board and --

21                   CHAIRMAN BROWN: It has to be a  
22 question.

23                   MS. HADERTHAUER: -- that I -- okay.

24                   MR. WHITAKER: It has to be in the form  
25 of a question.

1 MS. HADERTHAUER: I've asked for this  
2 twice at the last two meetings --

3 CHAIRMAN BROWN: I understand.

4 MS. HADERTHAUER: -- simulated pictures  
5 or pictures of what this is going to look like.

6 CHAIRMAN BROWN: I understand.

7 MS. HADERTHAUER: I live around the  
8 corner from this and I would be seeing this.

9 CHAIRMAN BROWN: I understand.

10 MS. HADERTHAUER: Okay.

11 CHAIRMAN BROWN: The applicant has  
12 heard you.

13 They're under no obligation to provide  
14 you with pictures that you're asking for if they  
15 choose not to.

16 MS. HADERTHAUER: Well, I would think  
17 that the board would ask for those pictures.

18 MR. D'ARMINIO: We -- we -- if you want  
19 to see what the sign looks like, our position would  
20 be that we -- that you have the Ridgewood sign which  
21 is almost the exact same sign very close by, you can  
22 look at the back of that sign, that's what it's going  
23 to look like.

24 MS. HADERTHAUER: What -- what  
25 Ridgewood sign?

1 MR. D'ARMINIO: -- and in terms of where  
2 it looks -- where it is otherwise, the sign is --

3 CHAIRMAN BROWN: Just to be clear -- -

4 MR. D'ARMINIO: I mean, you know what,  
5 I'm getting far field. It's getting late.

6 CHAIRMAN BROWN: Just to be clear --

7 MR. D'ARMINIO: Yeah.

8 CHAIRMAN BROWN: -- they've stated that  
9 there's a sign that's located in Maywood.

10 MR. D'ARMINIO: Maywood.

11 CHAIRMAN BROWN: Not in Ridgewood.

12 MR. D'ARMINIO: I'm sorry the Maywood  
13 sign.

14 MS. HADERTHAUER: So the board would  
15 have to go down to --

16 CHAIRMAN BROWN: So if you want to just  
17 see what the back of it looked like.

18 MS. HADERTHAUER: Okay. So the board  
19 would have to go down to Maywood --

20 CHAIRMAN BROWN: You can look at the  
21 back of the Maywood sign.

22 MS. HADERTHAUER: So the board would  
23 have to go down to Maywood.

24 We would have to go down to Maywood to  
25 see what --

1                   CHAIRMAN BROWN: That's -- that's their  
2 position, yes.

3                   MS. HADERTHAUER: -- what the back of  
4 this sign --

5                   CHAIRMAN BROWN: That's their position.

6                   MS. HADERTHAUER: -- would look like.

7 And the bottom of it?

8                   MR. WHITAKER: You don't have to agree  
9 with it, but that's their answer.

10                  CHAIRMAN BROWN: That's their answer.

11                  MS. HADERTHAUER: That's their answer?

12 Okay.

13 All right. Thank you.

14                  CHAIRMAN BROWN: All right. You're  
15 welcome.

16 Do any other members of the public have  
17 any questions?

18                  MR. WHITAKER: Questions of Dr. Kurpis  
19 on what he testified to.

20                  MR. DeSILVA: Okay.

21 Rohan DeSilva, 521 West Saddle River  
22 Road.

23 I have to ask the board first, is what  
24 the attorney said true, that I have to stop the  
25 minute he objects?

1           MR. WHITAKER: The answer to that --  
2 the answer to that is yes.

3           This is a quasi-judicial body set forth  
4 and the rules are in the Municipal Land Use Law.

5           And when a person asks a question and  
6 there's an objection by counsel, the person stops  
7 until the objection is put on the record and then the  
8 person can respond.

9           In this instance, what Mr. D'Arminio  
10 did is what is required to be done when he's  
11 representing an applicant.

12           MR. DeSILVA: Could that be furnished  
13 in writing to me?

14           CHAIRMAN BROWN: You can --

15           MR. WHITAKER: No, no.

16           CHAIRMAN BROWN: No.

17           MR. WHITAKER: That's the rules.  
18 That's the rules.

19           MR. DeSILVA: Okay. Where is it the  
20 rules? I have -- the rules are stated somewhere.

21           So where I do find that?

22           MR. WHITAKER: It's part of the conduct  
23 of conducting a quasi-judicial hearing.

24           And it's a quasi-judicial hearing under  
25 the Municipal Land Use Law.

1 MR. DeSILVA: Okay.

2 So a quasi-judicial hearing is the same  
3 as in a court of law?

4 MR. WHITAKER: It's like a court of  
5 law, yes.

6 MR. DeSILVA: What is the difference?

7 MR. WHITAKER: Rules of evidence are  
8 sometimes relaxed a bit because the court and the  
9 legislation under the Municipal Land Use Law  
10 recognizes that many people are going to testify as  
11 lay witnesses and don't understand all of the conduct  
12 that's required.

13 But when objections are raised, a  
14 person is supposed to stop. That's why I interrupt  
15 when he does that --

16 MR. DeSILVA: All right.

17 MR. WHITAKER: -- to settle it right  
18 away.

19 So he has not done anything improper.

20 Question for Dr. Kurpis?

21 MR. DeSILVA: Thank you.

22 That's what 50 years of service will  
23 give you, but I don't have that, so thank you for  
24 that information.

25 MR. WHITAKER: Understood.

1 MR. DeSILVA: Nothing further for  
2 Dr. Kurpis.

3 CHAIRMAN BROWN: Thank you.  
4 Good evening.

5 MS. DeSILVA: Good evening, Frettra  
6 DeSilva, 521 West Saddle River Road.

7 Dr. Kurpis, I used to be your patient.  
8 Are there other businesses in that building?

9 THE WITNESS: Yes, there are.  
10 Kumon and the -- the people who own the  
11 building have a realty business in that business  
12 [sic] -- in that building as well.

13 MS. DeSILVA: Okay.  
14 Are you aware if they've expressed  
15 similar commercial and safety concerns as yours.

16 MR. D'ARMINIO: Objection.

17 MR. WHITAKER: It would be hearsay, so  
18 he cannot testify to it.

19 MS. DeSILVA: Okay.  
20 And I have one more question of you.

21 Have any of your employees expressed, to you,  
22 concerns --

23 MR. D'ARMINIO: Objection.

24 Ms. DeSILVA: -- about the sign?

25 MR. WHITAKER: Again, the same thing,

1 it's hearsay.

2 MS. DeSILVA: If they've expressed to  
3 him directly?

4 MR. WHITAKER: Dr. Kurpis has testified  
5 to what he knows. He cannot testify to what somebody  
6 has told him.

7 MS. DeSILVA: Okay.

8 MR. WHITAKER: Next question.

9 MS. DeSILVA: Okay. Never mind then.  
10 Thank you.

11 CHAIRMAN BROWN: Thank you.

12 MS. O'KEEFE: Cynthia O'Keefe, 542 West  
13 Saddle River Road.

14 Dr. Kurpis, you mentioned earlier that  
15 there are 30 to 40 children that are waiting for  
16 their parents in the parking lot to pick them up and  
17 Mr. D'Arminio mentioned there are a lot of  
18 concessions that have been made about louvers so that  
19 children will not see the advertising.

20 However, that may be true from the  
21 windows, but they will be in the parking lot. Would  
22 it be fair to ask that they would be in full view of  
23 a digital billboard sign while they're waiting for  
24 their parents to pick them up?

25 MR. D'ARMINIO: Objection to this

1 witness.

2 MR. WHITAKER: It would not be Dr. --  
3 it's not within the expertise of Dr. Kurpis as to  
4 what a child is going to see --

5 MS. O'KEEFE: Okay.

6 MR. WHITAKER: -- or not see.

7 MS. O'KEEFE: Dr. Kurpis, if you're  
8 standing in the parking lot, would you be able to see  
9 the billboard in full view as an adult?

10 And then I can make my assumption that  
11 a child could also see it.

12 THE WITNESS: I'll answer -- I'll  
13 answer it in a more circuitous way.

14 MR. D'ARMINIO: Again, we have -- we  
15 have exhibits that would indicate where the view is.

16 MR. WHITAKER: So the question would be  
17 this: Dr. Kurpis, you have reviewed the plans, you  
18 know the location of the sign, you've been a tenant  
19 in the building for 20 years, if you go out your door  
20 and you're standing there, will you be able to see  
21 the content on the sign?

22 THE WITNESS: At the door? When --

23 MR. WHITAKER: In the parking lot or  
24 anywhere on your property.

25 THE WITNESS: In -- sure, absolutely.

1 MS. O'KEEFE: Thank you.

2 MR. D'ARMINIO: And my -- my continued  
3 objection, I don't know how he can say that, but just  
4 please note it.

5 MR. WHITAKER: I built a basis and  
6 foundation for it, Counsel, and that is he's seen the  
7 plans and that's his opinion.

8 Next question?

9 MS. KWAK: Hi. Thank you.

10 Hyun-Ju Kwak at 291 Highland Avenue.

11 Thank you, Doctor.

12 I have a question and -- which is that  
13 I think it's a follow-up to something that someone  
14 else asked, which is if this variance was approved  
15 and there is another billboard is approved as  
16 designed, let's say, and you had the means to do so,  
17 and I guess this is a broader question, would your  
18 application -- and I know you've expressed that you  
19 would not advertise, but let's say your mindset  
20 changed, if the doctor were to -- if this application  
21 is approved and subsequently there's a separate  
22 application by the doctor, would that be treated  
23 separately or does this become a precedent for which  
24 subsequent application --

25 MR. WHITAKER: Every application -- the

1 case law is very clear, every application is based on  
2 its own merits.

3 The fact that one gets approved does  
4 not mean a second one is approved.

5 Every case is based upon its own merits  
6 in decision making.

7 MS. KWAK: Okay.

8 And so if an applicant does submit  
9 subsequently, they cannot rely on whatever decision  
10 this board makes.

11 MR. WHITAKER: You are correct.

12 MS. KWAK: Thank you very much. Thank  
13 you.

14 CHAIRMAN BROWN: Good evening.

15 MS. HONE: Jacqueline Hone, 30 Carriage  
16 Lane.

17 Dr. Kurpis, you said that you were one  
18 of three occupants of the building?

19 THE WITNESS: That is correct.

20 MS. HONE: And where is your office  
21 located in the building.

22 THE WITNESS: In the northwest corner  
23 of the building.

24 North -- I have space on the south side  
25 -- excuse me -- the west side, the north side and the

1 east side.

2 And the east side faces Route 17  
3 directly.

4 I have the best view of the entrance  
5 and exit to the building and all of the traffic  
6 issues that continually arise out there.

7 MS. HONE: And the billboard will be  
8 visible from your corner?

9 THE WITNESS: No, it would not, because  
10 the configuration of the building is such that  
11 there's a part of it, it's like an L-shape and it  
12 cantilevers out.

13 And I don't believe that it would be a  
14 visual distraction to anyone within my location.

15 MS. HONE: Who in -- now that you've  
16 mentioned that, which of the three tenants then would  
17 be visually most impacted?

18 THE WITNESS: The most effected --

19 MR. WHITAKER: That's not --

20 MR. D'ARMINIO: You know, that --

21 THE WITNESS: Yeah.

22 MR. WHITAKER: He can testify as to  
23 what he can see. He does not know what other tenants  
24 might see.

25 Unless you're going to build a

1 foundation that he's been in the building, looked out  
2 those windows, et cetera.

3 I think the board can recognize who can  
4 see, that testimony has already been provided.

5 MR. D'ARMINIO: Provided, yes.

6 MR. STANDRIFF: We do have photographs  
7 from the Kumon.

8 MS. HONE: Okay.

9 And, again, you said you had been there  
10 over 20 years at this location.

11 THE WITNESS: Correct.

12 MS. HONE: Are you aware having been  
13 there for 20 years in this location, the residential  
14 properties around your -- this building.

15 THE WITNESS: I'm not that aware of it,  
16 no.

17 MR. D'ARMINIO: Objection, that's --  
18 this is cross --

19 MR. WHITAKER: He said he's not aware.

20 MR. D'ARMINIO: Oh, he's not aware,  
21 okay.

22 MR. WHITAKER: Let's move on.

23 MR. D'ARMINIO: Because it's not part  
24 of his direct examination anyway.

25 MR. WHITAKER: Next question?

1 MS. HONE: That's it.

2 Thank you.

3 CHAIRMAN BROWN: Thank you.

4 Great.

5 Any board members have any questions?

6 (No response.)

7 CHAIRMAN BROWN: Seeing none, do our  
8 professionals have any questions?

9 (No response.)

10 CHAIRMAN BROWN: No?

11 MR. BARREE: Just one quick one.

12 CHAIRMAN BROWN: Go ahead.

13 MR. BARREE: Dr. Kurpis, the issues you  
14 seemed to -- you have raised regarding the driveway  
15 seem to be issues with the site as it exists today.

16 Have you approached the landlord about  
17 any modifications to the driveway?

18 THE WITNESS: We have a new land -- a  
19 new landlord on the building and I have not.

20 The old landlord I had approached them  
21 many times over the years, but they did nothing.

22 MR. BARREE: Okay.

23 Thank you.

24 CHAIRMAN BROWN: Thank you.

25 Thank you, Mr. -- thank you,

1 Mr. Standriff, it's -- we're going to call it.

2 Is that good?

3 MR. STANDRIFFF: Yes.

4 CHAIRMAN BROWN: Okay.

5 MR. STANDRIFFF: So the next meeting we  
6 will call -- I actually have two planners. We can  
7 hash that out at some point, but --

8 CHAIRMAN BROWN: Yes, hash that out.

9 MR. STANDRIFFF: They will address  
10 different topics.

11 CHAIRMAN BROWN: Okay. So you have  
12 possibly two more witnesses?

13 MR. STANDRIFFF: Correct.

14 CHAIRMAN BROWN: Okay.

15 Mr. D'Arminio, after that, are you --  
16 do you have anything else or no?

17 MR. D'ARMINIO: I don't know. I might  
18 do rebuttal or not.

19 I just have to see what their planners  
20 will say.

21 CHAIRMAN BROWN: Okay.

22 So just --

23 MR. D'ARMINIO: In terms of the  
24 rebuttal, would the rebuttal be at the end of all the  
25 comments of the objectors?

1 CHAIRMAN BROWN: Yes.

2 MR. D'ARMINIO: Yes. Okay.

3 CHAIRMAN BROWN: Surrebuttal.

4 MR. D'ARMINIO: So I'd want to hear  
5 what they have to say too --

6 CHAIRMAN BROWN: Okay.

7 MR. D'ARMINIO: And then we may put  
8 some rebuttal testimony on, Mr. Chairman.

9 CHAIRMAN BROWN: Okay. Just for the  
10 public, so that they understand, we are going -- the  
11 meeting is going to be carried.

12 At the next meeting the --  
13 Mr. Standriff will put on two more witnesses.

14 At that point in time, as we've done  
15 today, you'll have the opportunity to question those  
16 witnesses about what they testified to and what they  
17 testified to only.

18 After we've rested with all of that,  
19 there'll be a time for you to makes comments that you  
20 would like to make on the overall application.

21 So our new -- what?

22 VICE CHAIRMAN BANDELT: After that?

23 CHAIRMAN BROWN: After that?

24 After that we will likely have some  
25 testimony from our professionals on the board.

1                   Okay.  New date?

2                   It would be February the 27th.

3                   MR. D'ARMINIO:  February?

4                   CHAIRMAN BROWN:  February the 27th.

5                   MR. D'ARMINIO:  There's no -- I  
6 understand the --

7                   CHAIRMAN BROWN:  You can ask --

8                   MR. D'ARMINIO:  -- there wouldn't be  
9 any ability to just put us on for the date in January  
10 and then we carry it then if it's not happening?

11                   CHAIRMAN BROWN:  Is there any  
12 possibility for anything in January, Jane?

13                   MR. D'ARMINIO:  Maybe even to finish  
14 Mr. Standriff's people?

15                   MS. WONDERGEM:  I can't give a whole  
16 night --

17                   MR. D'ARMINIO:  No, I mean --

18                   MS. WONDERGEM:  -- in January.

19                   CHAIRMAN BROWN:  Mr. Standriff, do you  
20 need an entire night?

21                   MR. STANDRIFF:  I'd certainly hope not.

22                   CHAIRMAN BROWN:  Okay.

23                   MR. STANDRIFF:  I would estimate 15  
24 minutes from one witness and maybe 45 from the other.

25                   So if cross is a half hour; public, a

1 half hour; maybe I can keep it two hours.

2 CHAIRMAN BROWN: Two hours then.

3 What do we have?

4 Mr. Whitaker?

5 MR. WHITAKER: We went tonight for over  
6 an hour-and-a-half on three exhibits, so --

7 MR. STANDRIFF: I noticed.

8 MR. WHITAKER: -- I think you're being,  
9 I will say --

10 MS. WONDERGEM: Because our first  
11 meeting is --

12 MR. WHITAKER: -- I think you --

13 MS. WONDERGEM: -- Three North and a  
14 house on --

15 MR. D'ARMINIO: Yeah, but -- but we're  
16 the applicant and -- I'm sorry, Jane.

17 I'm sorry, Jane, I didn't hear you.

18 MS. WONDERGEM: I'm just talking to --

19 CHAIRMAN BROWN: Yeah, nothing on  
20 the...

21 MS. WONDERGEM: The next one is another  
22 -- is the other commercial application.

23 CHAIRMAN BROWN: Gotcha.

24 Unfortunately, based on the schedule,  
25 it would be February the 27th.

1 MR. D'ARMINIO: Just one more try?

2 If we can take the -- if we can take  
3 the hour, I don't think I have much cross  
4 examination.

5 Could we at least try the hour to get  
6 some time in or can we do a special meeting sometime.

7 MR. WHITAKER: What's the second  
8 meeting in January, Jane?

9 MS. WONDERGEM: The second meeting in  
10 January is the West End application.

11 MR. WHITAKER: That's the West End?

12 MR. D'ARMINIO: Yes.

13 MR. WHITAKER: The one before that is  
14 an organizational meeting.

15 MS. WONDERGEM: Organizational and some  
16 residential.

17 CHAIRMAN BROWN: And residential.

18 MR. WHITAKER: It's not realistic.

19 MR. D'ARMINIO: Okay.

20 And a special meeting is not realistic  
21 as well, correct?

22 Okay, I asked.

23 MS. WONDERGEM: We gave the first  
24 meeting in February --

25 MR. WHITAKER: I understand.

1 CHAIRMAN BROWN: What, Jane?

2 MS. WONDERGEM: Well, if we gave --

3 MR. WHITAKER: We'll put it on for  
4 February 27th, and I'll revisit with Jane if there's  
5 anything we can do on a special after that.

6 MR. D'ARMINIO: And is the first  
7 meeting in February is not available as well, I  
8 guess?

9 MR. WHITAKER: I don't know.

10 Jane?

11 MS. WONDERGEM: That was also going to  
12 be West End.

13 MR. WHITAKER: That's West End.

14 MS. WONDERGEM: But we can --

15 MR. WHITAKER: We can give,

16 Mr. D'Arminio.

17 MR. D'ARMINIO: So that's another --  
18 that's another big matter.

19 MR. WHITAKER: -- a number of hearings,  
20 so...

21 MR. D'ARMINIO: Yes.

22 CHAIRMAN BROWN: Okay.

23 So it's going to be carried to February  
24 the 27th, 2024 at 7:30 p.m., no further notice  
25 required.

1                   Mr. Whitaker will revisit and if it  
2 needs -- if there's a possibility, we will, for an  
3 additional after, we will --

4                   MR. D'ARMINIO: Thank you.

5                   CHAIRMAN BROWN: -- get back to you.

6                   Thank you.

7                   MR. D'ARMINIO: Thank you, everybody.

8                   CHAIRMAN BROWN: Thank you.

9                   (Whereupon, the matter is continuing  
10 at a future date. Time noted: 11:05 p.m.)

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

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LAURA A. CARUCCI, C.C.R., R.P.R.  
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Expiration Date December 31, 2023

Dated: December 28, 2023